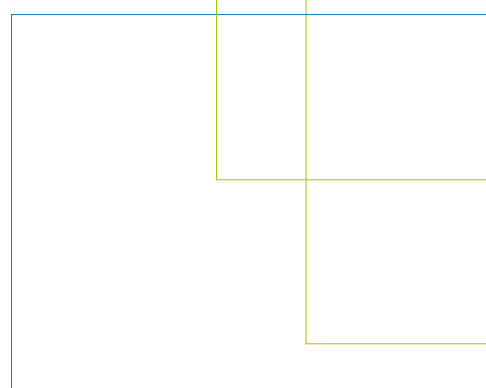




International
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Geneva

COMPENDIUM OF INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS



Compilation of international labour Conventions and Recommendations

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Preface

One of the core functions of the International Labour Organization (ILO) is to adopt Conventions and Recommendations on issues relating to work and to labour and social policy. The International Labour Conference is mandated to do this by means of global tripartite dialogue. The instruments constitute the Organization's main legacy. When ratified by member States, Conventions are legally binding, whereas Recommendations are not binding but provide guidance to national authorities for their policies and action. I wish to underscore the importance of ILO standards in establishing genuinely humane conditions of work and a culture of responsible social dialogue, and as a means of advancing social justice – one of the prerequisites for sustainable world peace. The 2008 ILO Declaration on Social Justice for a Fair Globalization recalls that the Organization must “promote the ILO's standard-setting policy as a cornerstone of ILO activities by enhancing its relevance to the world of work, and ensure the role of standards as a useful means of achieving the constitutional objectives of the Organization”.¹

As is the case at the national level, as a result of economic, social, cultural and technological advancements certain labour standards may no longer be fit for purpose and must therefore be amended.

The ILO has employed several methods to revise or adapt labour standards, the first of which was to place on the agenda of the International Labour Conference the development of instruments to revise a given Convention or Recommendation.

Secondly, Governing Body working parties and committees adopted a holistic approach to carry out a systematic review in order to determine which instruments were up to date and whose ratification was to be promoted, and which instruments required revision or further information or were to be shelved. Two working parties should be mentioned here: the Ventejol Working Party, whose first and second reports were approved by the Governing Body in 1979 and 1987 respectively, and the Cartier Working Party, which adopted reports in 1997 and 1998. In 2002, the publication of a new edition of the compilation of international labour Conventions and Recommendations was envisaged.² In recent years, this work – which includes a thematic classification of ILO instruments – has been continued by the Governing Body's Committee on Legal Issues and International Labour Standards (LILS), whose November 2012 report deserves a special mention.

It is worth noting that since 1997, the International Labour Conference can withdraw instruments. An amendment to the Standing Orders of the Conference, which was adopted at the same time as a constitutional amendment in 1997, provides for the withdrawal of Conventions. Under article 45 *bis* of the Standing Orders, Conventions *in force* may be abrogated, whereas Conventions which are *not in force* and Recommendations may be withdrawn.

This publication presents, by subject matter, those ILO Conventions that have not been revised, replaced or considered obsolete, and indicates their current status (*up to date, interim status, request for information, to be revised, no conclusions, or pertaining to final articles*). The process to update the instruments has shown that currently, of the 189 Conventions adopted by the International Labour Organization, only 82 are up to date. Of the remaining 107 Conventions, 23 have an interim status, three require information, 22 are to be revised, one has no conclusions and two pertain to final articles; the remaining 56 have been withdrawn

1. ILO: *ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 97th Session, Geneva, 2008.

2. GB.283/LILS/WP/PRS/4 (March 2002).

or shelved. The six Protocols adopted are up to date. As for the ILO's 204 Recommendations, 83 are up to date, 22 have an interim status, 12 require information, 13 are to be revised, one has no conclusions and another has not yet been classified; the remaining 72 have either been revised, are outdated or have been withdrawn or replaced.³

All of the Conventions contain final provisions pertaining to entry into force, notification, registration, automatic denunciations and time limits for denouncing the authoritative language versions (English and French). These provisions were the subject of the Final Articles Revision Convention, 1946 (No. 80), and the Final Articles Revision Convention, 1961 (No. 116). To avoid duplication, the final provisions of Conventions adopted after those dates have not been included in this compilation.

When the Governing Body of the International Labour Office shortly considers the possible implementation of a standards review mechanism, it will be able to use this compilation as a basic reference document. In my view, this compilation will also be particularly valuable to national constituents in establishing their ratification policy, and to members of parliament, courts, administrative labour authorities and universities in carrying out their work. Finally, I would like to thank the International Labour Standards Department for preparing this publication, in particular Alberto Odero, Irma Godoy and Chloé Ribal Vigneau.

CLEOPATRA DOUMBIA-HENRY

Director, International Labour Standards Department

3. See the Appendix to GB.283/LILS/WP/PRS/4 for the list of instruments that are not included in this compilation.

Freedom of association, collective bargaining, and industrial relations

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1. Fundamental Conventions on freedom of association and collective bargaining

A

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	4 July 1950	San Francisco, ILC 31st Session (9 July 1948)	153

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948;

Having decided to adopt, in the form of a Convention, certain proposals concerning freedom of association and protection of the right to organise, which is the seventh item on the agenda of the session;

Considering that the Preamble to the Constitution of the International Labour Organisation declares “recognition of the principle of freedom of association” to be a means of improving conditions of labour and of establishing peace;

Considering that the Declaration of Philadelphia reaffirms that “freedom of expression and of association are essential to sustained progress”;

Considering that the International Labour Conference, at its Thirtieth Session, unanimately adopted the principles which should form the basis for international regulation;

Considering that the General Assembly of the United Nations, at its Second Session, endorsed these principles and requested the International Labour Organisation to continue every effort in order that it may be possible to adopt one or several international Conventions;

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Freedom of Association and Protection of the Right to Organise Convention, 1948:

Part I. Freedom of association

Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 6

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Article 7

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Article 8

1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

Article 9

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 10

In this Convention the term *organisation* means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

Part II. Protection of the right to organise*Article 11*

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Part III. Miscellaneous provisions*Article 12*

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International

Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office with or as soon as possible after its ratification a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 13

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	18 July 1951	Geneva, ILC 32nd Session (1 July 1949)	164

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning the application of the principles of the right to organise and to bargain collectively, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Right to Organise and Collective Bargaining Convention, 1949:

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to:

- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Article 5

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 6

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

2. Freedom of association (agriculture, non-metropolitan territories)

Rural Workers' Organisations Convention, 1975 (No. 141)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	24 Nov 1977	Geneva, ILC 60th Session (23 June 1975)	40

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Recognising that the importance of rural workers in the world makes it urgent to associate them with economic and social development action if their conditions of work and life are to be permanently and effectively improved, and

Noting that in many countries of the world and particularly in developing countries there is massive under-utilisation of land and labour and that this makes it imperative for rural workers to be given every encouragement to develop free and viable organisations capable of protecting and furthering the interests of their members and ensuring their effective contribution to economic and social development, and

Considering that such organisations can and should contribute to the alleviation of the persistent scarcity of food products in various regions of the world, and

Recognising that land reform is in many developing countries an essential factor in the improvement of the conditions of work and life of rural workers and that organisations of such workers should accordingly co-operate and participate actively in the implementation of such reform, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which affirm the right of all workers, including rural workers, to establish free and independent organisations, and

the provisions of numerous international labour Conventions and Recommendations applicable to rural workers which call for the participation, inter alia, of workers' organisations in their implementation, and

Noting the joint concern of the United Nations and the specialised agencies, in particular the International Labour Organisation and the Food and Agriculture Organisation of the United Nations, with land reform and rural development, and

Noting that the following standards have been framed in co-operation with the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication, there will be continuing co-operation with that Organisation and with the United Nations in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to organisations of rural workers and their role in economic and social development, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Rural Workers' Organisations Convention, 1975:

Article 1

This Convention applies to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers.

Article 2

1. For the purposes of this Convention, the term *rural workers* means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of paragraph 2 of this Article, as a self-employed person such as a tenant, sharecropper or small owner-occupier.

2. This Convention applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not:

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

Article 3

1. All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations, of their own choosing without previous authorisation.

2. The principles of freedom of association shall be fully respected; rural workers' organisations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression.

3. The acquisition of legal personality by organisations of rural workers shall not be made subject to conditions of such a character as to restrict the application of the provisions of the preceding paragraphs of this Article.

4. In exercising the rights provided for in this Article rural workers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

5. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Article.

Article 4

It shall be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958, in economic and social development and in the benefits resulting therefrom.

Article 5

1. In order to enable organisations of rural workers to play their role in economic and social development, each Member which ratifies this Convention shall adopt and carry out a policy of active encouragement to these organisations, particularly with a view to eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities, as well as such legislative and administrative discrimination against rural workers' organisations and their members as may exist.

2. Each Member which ratifies this Convention shall ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers' organisations.

Article 6

Steps shall be taken to promote the widest possible understanding of the need to further the development of rural workers' organisations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas as well as to increasing the national income and achieving a better distribution thereof.

Rural Workers' Organisations Recommendation, 1975 (No. 149)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 60th Session (23 June 1975)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Recognising that the importance of rural workers in the world makes it urgent to associate them with economic and social development action if their conditions of work and life are to be permanently and effectively improved, and

Noting that in many countries of the world and particularly in developing countries there is massive under-utilisation of land and labour and that this makes it imperative for rural workers to be given every encouragement to develop free and viable organisations capable of protecting and furthering the interests of their members and ensuring their effective contribution to economic and social development, and

Considering that such organisations can and should contribute to the alleviation of the persistent scarcity of food products in various regions of the world, and

Recognising that land reform is in many developing countries an essential factor in the improvement of the conditions of work and life of rural workers and that organisations of such workers should accordingly co-operate and participate actively in the implementation of such reform, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which affirm the right of all workers, including rural workers, to establish free and independent organisations, and the provisions of numerous international labour Conventions and Recommendations applicable to rural workers which call for the participation, inter alia, of workers' organisations in their implementation, and

Noting the joint concern of the United Nations and the specialised agencies, in particular the International Labour Organisation and the Food and Agriculture Organisation of the United Nations, with land reform and rural development, and

Noting that the following standards have been framed in co-operation with the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication, there will be continuing co-operation with that Organisation and with the United Nations in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to organisations of rural workers and their role in economic and social development, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five, the following Recommendation, which may be cited as the Rural Workers' Organisations Recommendation, 1975:

I. General provisions

1. (1) This Recommendation applies to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers.

(2) The Co-operatives (Developing Countries) Recommendation, 1966, further remains applicable to the organisations of rural workers falling within its scope.

2. (1) For the purposes of this Recommendation, the term *rural workers* means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of subparagraph (2) of this Paragraph, as a self-employed person such as a tenant, sharecropper or small owner-occupier.

(2) This Recommendation applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not:

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

3. All categories of rural workers, whether they are wage earners or self-employed, should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

II. Role of organisations of rural workers

4. It should be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958, in economic and social development and in the benefits resulting therefrom.

5. Such organisations should, as appropriate, be able to:

- (a) represent, further and defend the interests of rural workers, for instance by undertaking negotiations and consultations at all levels on behalf of such workers collectively;
- (b) represent rural workers in connection with the formulation, implementation and evaluation of programmes of rural development and at all stages and levels of national planning;

- (c) involve the various categories of rural workers, according to the interests of each, actively and from the outset in the implementation of:
 - (i) programmes of agricultural development, including the improvement of techniques of production, storing, processing, transport and marketing;
 - (ii) programmes of agrarian reform, land settlement and land development;
 - (iii) programmes concerning public works, rural industries and rural crafts;
 - (iv) rural development programmes, including those implemented with the collaboration of the United Nations, the International Labour Organisation and other specialised agencies;
 - (v) the information and education programmes and other activities referred to in Paragraph 15 of this Recommendation;
- (d) promote and obtain access of rural workers to services such as credit, supply, marketing and transport as well as to technological services;
- (e) play an active part in the improvement of general and vocational education and training in rural areas as well as in training for community development, training for co-operative and other activities of rural workers' organisations and training for the management thereof;
- (f) contribute to the improvement of the conditions of work and life of rural workers, including occupational safety and health;
- (g) promote the extension of social security and basic social services in such fields as housing, health and recreation.

III. Means of encouraging the growth of organisations of rural workers

6. In order to enable organisations of rural workers to play their role in economic and social development, member States should adopt and carry out a policy of active encouragement to these organisations, particularly with a view to:

- (a) eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities, as well as such legislative and administrative discrimination against rural workers' organisations and their members as may exist;
- (b) extending to rural workers' organisations and their members such facilities for vocational education and training as are available to other workers' organisations and their members; and
- (c) enabling rural workers' organisations to pursue a policy to ensure that social and economic protection and benefits corresponding to those made available to industrial workers or, as appropriate, workers engaged in other non-industrial occupations are also extended to their members.

7. (1) The principles of freedom of association should be fully respected; rural workers' organisations should be independent and voluntary in character and should remain free from all interference, coercion or repression.

(2) The acquisition of legal personality by organisations of rural workers should not be made subject to conditions of such a character as to restrict the application of the provisions of Paragraph 3 and subparagraph (1) of this Paragraph.

(3) In exercising the rights which they enjoy in pursuance of Paragraph 3 and of this Paragraph rural workers and their respective organisations, like other persons or organised collectivities, should respect the law of the land.

(4) The law of the land should not be such as to impair, nor should it be so applied as to impair, the guarantees provided for in Paragraph 3 and in this Paragraph.

A. Legislative and administrative measures

8. (1) Member States should ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers' organisations.

(2) In particular:

- (a) the principles of right of association and of collective bargaining, in conformity especially with the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949, should be made fully effective by the application to the rural sector of general laws or regulations on the subject, or by the adoption of special laws or regulations, full account being taken of the needs of all categories of rural workers;

- (b) relevant laws and regulations should be fully adapted to the special needs of rural areas; for instance:
- (i) requirements regarding minimum membership, minimum levels of education and minimum funds should not be permitted to impede the development of organisations in rural areas where the population is scattered, ill educated and poor;
 - (ii) problems which may arise concerning the access of organisations of rural workers to their members should be dealt with in a manner respecting the rights of all concerned and in accordance with the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Workers' Representatives Convention, 1971;
 - (iii) there should be effective protection of the rural workers concerned against dismissal and against eviction which are based on their status or activities as leaders or members of rural workers' organisations.

9. There should be adequate machinery, whether in the form of labour inspection or of special services, or in some other form, to ensure the effective implementation of laws and regulations concerning rural workers' organisations and their membership.

10. (1) Where rural workers find it difficult, under existing conditions, to take the initiative in establishing and operating their own organisations, existing organisations should be encouraged to give them, at their request, appropriate guidance and assistance corresponding to their interests.

(2) Where necessary, such assistance could on request be supplemented by advisory services staffed by persons qualified to give legal and technical advice and to run educational courses.

11. Appropriate measures should be taken to ensure that there is effective consultation and dialogue with rural workers' organisations on all matters relating to conditions of work and life in rural areas.

12. (1) In connection with the formulation and, as appropriate, the application of economic and social plans and programmes and any other general measures concerning the economic, social or cultural development of rural areas, rural workers' organisations should be associated with planning procedures and institutions, such as statutory boards and committees, development agencies and economic and social councils.

(2) In particular, appropriate measures should be taken to make possible the effective participation of such organisations in the formulation, implementation and evaluation of agrarian reform programmes.

13. Member States should encourage the establishment of procedures and institutions which foster contacts between rural workers' organisations, employers and their organisations and the competent authorities.

B. Public information

14. Steps should be taken, particularly by the competent authority, to promote:

- (a) the understanding of those directly concerned, such as central, local and other authorities, rural employers and landlords, of the contribution which can be made by rural workers' organisations to the increase and better distribution of national income, to the increase of productive and remunerative employment opportunities in the rural sector, to the raising of the general level of education and training of the various categories of rural workers and to the improvement of the general conditions of work and life in rural areas;
- (b) the understanding of the general public, including, in particular, that in the non-rural sectors of the economy, of the importance of maintaining a proper balance between the development of rural and urban areas, and of the desirability, as a contribution towards ensuring that balance, of furthering the development of rural workers' organisations.

15. These steps might include:

- (a) mass information and education campaigns, especially with a view to giving rural workers full and practical information on their rights, so that they may exercise them as necessary;
- (b) radio, television and cinema programmes, and periodic articles in the local and national press, describing the conditions of life and work in rural areas and explaining the aims of rural workers' organisations and the results obtained by their activities;

- (c) the organisation, locally, of seminars and meetings with the participation of representatives of the various categories of rural workers, of employers and landlords, of other sectors of the population and of local authorities;
- (d) the organisation of visits to rural areas of journalists, representatives of employers and workers in industry or commerce, students of universities and schools accompanied by their teachers, and other representatives of the various sectors of the population;
- (e) the preparation of suitable curricula for the various types and levels of schools appropriately reflecting the problems of agricultural production and the life of rural workers.

C. Education and training

16. In order to ensure a sound growth of rural workers' organisations and the rapid assumption of their full role in economic and social development, steps should be taken, by the competent authority among others, to:

- (a) impart to the leaders and members of rural workers' organisations knowledge of:
 - (i) national laws and regulations and international standards on questions of direct concern to the activity of the organisations, in particular the right of association;
 - (ii) the basic principles of the establishment and operation of organisations of rural workers;
 - (iii) questions regarding rural development as part of the economic and social development of the country, including agricultural and handicraft production, storing, processing, transport, marketing and trade;
 - (iv) principles and techniques of national planning at different levels;
 - (v) training manuals and programmes which are published or established by the United Nations, the International Labour Organisation or other specialised agencies and which are designed for the education and training of rural workers;
- (b) improve and foster the education of rural workers in general, technical, economic and social fields, so as to make them better able both to develop their organisations and understand their rights and to participate actively in rural development; particular attention should be paid to the training of wholly or partly illiterate workers through literacy programmes linked with the practical expansion of their activities;
- (c) promote programmes directed to the role which women can and should play in the rural community, integrated in general programmes of education and training to which women and men should have equal opportunities of access;
- (d) provide training designed particularly for educators of rural workers, to enable them, for example, to help in the development of co-operative and other appropriate forms of servicing activities which would enable organisations to respond directly to membership needs while fostering their interdependence through economic self-reliance;
- (e) give support to programmes for the promotion of rural youth in general.

17. (1) As an effective means of providing the training and education referred to in Paragraph 16, programmes of workers' education or adult education, specially adapted to national and local conditions and to the social, economic and cultural needs of the various categories of rural workers, including the special needs of women and young persons, should be formulated and applied.

(2) In view of their special knowledge and experience in these fields, trade union movements and existing organisations which represent rural workers might be closely associated with the formulation and carrying out of such programmes.

D. Financial and material assistance

18. (1) Where, particularly in the initial stages of development, rural workers' organisations consider that they need financial or material assistance, for instance to help them in carrying out programmes of education and training, and where they seek and obtain such assistance, they should receive it in a manner which fully respects their independence and interests and those of their members. Such assistance should be supplementary to the initiative and efforts of rural workers in financing their own organisations.

(2) The foregoing principles apply in all cases of financial and material assistance, including those in which it is the policy of a member State to render such assistance itself.

Right of Association (Agriculture) Convention, 1921 (No. 11)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	11 May 1923	Geneva, ILC 3rd Session (25 Oct 1921)	122

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the rights of association and combination of agricultural workers, which is included in the fourth item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Right of Association (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	1 July 1953	Geneva, ILC 30th Session (11 July 1947)	9

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning the right of association and the settlement of labour disputes in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Right of Association (Non-Metropolitan Territories) Convention, 1947:

Article 1

This Convention applies to non-metropolitan territories.

Article 2

The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

Article 3

All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations.

Article 4

All practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of arrangements for the protection of workers and the application of labour legislation.

Article 5

All procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible.

Article 6

1. Employers and workers shall be encouraged to avoid disputes, and if they arise to reach fair settlements by means of conciliation.
2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.
3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.
4. Where practicable, these officers shall be officers specially assigned to such duties.

Article 7

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.
2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

Article 8

1. In respect of the territories referred to in article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating:
 - (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;

- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 9

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 10

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 11

If any Convention which may subsequently be adopted by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any territory in respect of which there has been communicated to the Director-General of the International Labour Office a declaration:

- (a) undertaking that the provisions of the said Convention shall be applied in pursuance of paragraph 2 of article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, or
- (b) accepting the obligations of the said Convention in pursuance of paragraph 5 of the said article 35.

3. Industrial relations**Workers' Representatives Convention, 1971 (No. 135)**

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	30 June 1973	Geneva, ILC 56th Session (23 June 1971)	84

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-sixth Session on 2 June 1971, and

Noting the terms of the Right to Organise and Collective Bargaining Convention, 1949, which provides for protection of workers against acts of anti-union discrimination in respect of their employment, and

Considering that it is desirable to supplement these terms with respect to workers' representatives, and

Having decided upon the adoption of certain proposals with regard to protection and facilities afforded to workers' representatives in the undertaking, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-third day of June of the year one thousand nine hundred and seventy-one the following Convention, which may be cited as the Workers' Representatives Convention, 1971:

Article 1

Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

Article 2

1. Such facilities in the undertaking shall be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently.

2. In this connection account shall be taken of the characteristics of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

3. The granting of such facilities shall not impair the efficient operation of the undertaking concerned.

Article 3

For the purpose of this Convention the term *workers' representatives* means persons who are recognised as such under national law or practice, whether they are:

- (a) trade union representatives, namely, representatives designated or elected by trade unions or by members of such unions; or
- (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

Article 4

National laws or regulations, collective agreements, arbitration awards or court decisions may determine the type or types of workers' representatives which shall be entitled to the protection and facilities provided for in this Convention.

Article 5

Where there exist in the same undertaking both trade union representatives and elected representatives, appropriate measures shall be taken, wherever necessary, to ensure that the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned and their representatives.

Article 6

Effect may be given to this Convention through national laws or regulations or collective agreements, or in any other manner consistent with national practice.

Workers' Representatives Recommendation, 1971 (No. 143)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 56th Session (23 June 1971)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Fifty-sixth Session on 2 June 1971, and,
 Having adopted the Workers' Representatives Convention, 1971, and
 Having decided upon the adoption of certain proposals with regard to protection and facilities
 afforded to workers' representatives in the undertaking, which is the fifth item on the agenda
 of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-third day of June of the year one thousand nine hundred and seventy-one, the
 following Recommendation, which may be cited as the Workers' Representatives Recommendation,
 1971:

I. Methods of implementation

1. Effect may be given to this Recommendation through national laws or regulations or collective agreements, or in any other manner consistent with national practice.

II. General provisions

2. For the purpose of this Recommendation the term *workers' representatives* means persons who are recognised as such under national law or practice, whether they are:

- (a) trade union representatives, namely representatives designated or elected by trade unions or by the members of such unions; or
- (b) elected representatives, namely representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

3. National laws or regulations, collective agreements, arbitration awards or court decisions may determine the type or types of workers' representatives which should be entitled to the protection and facilities provided for in this Recommendation.

4. Where there exist in the same undertaking both trade union representatives and elected representatives, appropriate measures should be taken, wherever necessary, to ensure that the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned and their representatives.

III. Protection of workers' representatives

5. Workers' representatives in the undertaking should enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

6. (1) Where there are not sufficient relevant protective measures applicable to workers in general, specific measures should be taken to ensure effective protection of workers' representatives.

(2) These might include such measures as the following:

- (a) detailed and precise definition of the reasons justifying termination of employment of workers' representatives:

- (b) a requirement of consultation with, an advisory opinion from, or agreement of an independent body, public or private, or a joint body, before the dismissal of a workers' representative becomes final;
- (c) a special recourse procedure open to workers' representatives who consider that their employment has been unjustifiably terminated, or that they have been subjected to an unfavourable change in their conditions of employment or to unfair treatment;
- (d) in respect of the unjustified termination of employment of workers' representatives, provision for an effective remedy which, unless this is contrary to basic principles of the law of the country concerned, should include the reinstatement of such representatives in their job, with payment of unpaid wages and with maintenance of their acquired rights;
- (e) provision for laying upon the employer, in the case of any alleged discriminatory dismissal or unfavourable change in the conditions of employment of a workers' representative, the burden of proving that such action was justified;
- (f) recognition of a priority to be given to workers' representatives with regard to their retention in employment in case of reduction of the workforce.

7. (1) Protection afforded under Paragraph 5 of this Recommendation should also apply to workers who are candidates, or have been nominated as candidates through such appropriate procedures as may exist, for election or appointment as workers' representatives.

(2) The same protection might also be afforded to workers who have ceased to be workers' representatives.

(3) The period during which such protection is enjoyed by the persons referred to in this Paragraph may be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation.

8. (1) Persons who, upon termination of their mandate as workers' representatives in the undertaking in which they have been employed, resume work in that undertaking should retain, or have restored, all their rights, including those related to the nature of their job, to wages and to seniority.

(2) The questions whether, and to what extent, the provisions of subparagraph (1) of this Paragraph should apply to workers' representatives who have exercised their functions mainly outside the undertaking concerned should be left to national laws or regulations, collective agreements, arbitration awards or court decisions.

IV. Facilities to be afforded to workers' representatives

9. (1) Such facilities in the undertaking should be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently.

(2) In this connection account should be taken of the characteristics of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

(3) The granting of such facilities should not impair the efficient operation of the undertaking concerned.

10. (1) Workers' representatives in the undertaking should be afforded the necessary time off from work, without loss of pay or social and fringe benefits, for carrying out their representation functions in the undertaking.

(2) In the absence of appropriate provisions, a workers' representative may be required to obtain permission from his immediate supervisor or another appropriate representative of management designated for this purpose before he takes time off from work, such permission not to be unreasonably withheld.

(3) Reasonable limits may be set on the amount of time off which is granted to workers' representatives under subparagraph (1) of this Paragraph.

11. (1) In order to enable them to carry out their functions effectively, workers' representatives should be afforded the necessary time off for attending trade union meetings, training courses, seminars, congresses and conferences.

(2) Time off afforded under subparagraph (1) of this Paragraph should be afforded without loss of pay or social and fringe benefits, it being understood that the question of who should bear the

resulting costs may be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation.

12. Workers' representatives in the undertaking should be granted access to all workplaces in the undertaking, where such access is necessary to enable them to carry out their representation functions.

13. Workers' representatives should be granted without undue delay access to the management of the undertaking and to management representatives empowered to take decisions, as may be necessary for the proper exercise of their functions.

14. In the absence of other arrangements for the collection of trade union dues, workers' representatives authorised to do so by the trade union should be permitted to collect such dues regularly on the premises of the undertaking.

15. (1) Workers' representatives acting on behalf of a trade union should be authorised to post trade union notices on the premises of the undertaking in a place or places agreed on with the management and to which the workers have easy access.

(2) The management should permit workers' representatives acting on behalf of a trade union to distribute news sheets, pamphlets, publications and other documents of the union among the workers of the undertaking.

(3) The union notices and documents referred to in this Paragraph should relate to normal trade union activities and their posting and distribution should not prejudice the orderly operation and tidiness of the undertaking.

(4) Workers' representatives who are elected representatives in the meaning of clause (b) of Paragraph 2 of this Recommendation should be given similar facilities consistent with their functions.

16. The management should make available to workers' representatives, under the conditions and to the extent which may be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation, such material facilities and information as may be necessary for the exercise of their functions.

17. (1) Trade union representatives who are not employed in the undertaking but whose trade union has members employed therein should be granted access to the undertaking.

(2) The determination of the conditions for such access should be left to the methods of implementation referred to in Paragraphs 1 and 3 of this Recommendation.

Labour Relations (Public Service) Convention, 1978 (No. 151)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	25 Feb 1981	Geneva, ILC 64th Session (27 June 1978)	52

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Noting the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Workers' Representatives Convention and Recommendation, 1971, and

Recalling that the Right to Organise and Collective Bargaining Convention, 1949, does not cover certain categories of public employees and that the Workers' Representatives Convention and Recommendation, 1971, apply to workers' representatives in the undertaking, and

Noting the considerable expansion of public-service activities in many countries and the need for sound labour relations between public authorities and public employees' organisations, and

Having regard to the great diversity of political, social and economic systems among member States and the differences in practice among them (e.g. as to the respective functions of central and local government, of federal, state and provincial authorities, and of state-owned undertakings and various types of autonomous or semi-autonomous public bodies, as well as to the nature of employment relationships), and

Taking into account the particular problems arising as to the scope of, and definitions for the purpose of, any international instrument, owing to the differences in many countries between private and public employment, as well as the difficulties of interpretation which have arisen in respect of the application of relevant provisions of the Right to Organise and Collective Bargaining Convention, 1949, to public servants, and the observations of the supervisory bodies of the ILO on a number of occasions that some governments have applied these provisions in a manner which excludes large groups of public employees from coverage by that Convention, and

Having decided upon the adoption of certain proposals with regard to freedom of association and procedures for determining conditions of employment in the public service, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-eight the following Convention, which may be cited as the Labour Relations (Public Service) Convention, 1978:

Part I. Scope and definitions

Article 1

1. This Convention applies to all persons employed by public authorities, to the extent that more favourable provisions in other international labour Conventions are not applicable to them.

2. The extent to which the guarantees provided for in this Convention shall apply to high-level employees whose functions are normally considered as policy-making or managerial, or to employees whose duties are of a highly confidential nature, shall be determined by national laws or regulations.

3. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

Article 2

For the purpose of this Convention, the term *public employee* means any person covered by the Convention in accordance with Article 1 thereof.

Article 3

For the purpose of this Convention, the term *public employees' organisation* means any organisation, however composed, the purpose of which is to further and defend the interests of public employees.

Part II. Protection of the right to organise

Article 4

1. Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to:
- (a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organisation;
 - (b) cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employees' organisation or because of participation in the normal activities of such an organisation.

Article 5

1. Public employees' organisations shall enjoy complete independence from public authorities.

2. Public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration.

3. In particular, acts which are designed to promote the establishment of public employees' organisations under the domination of a public authority, or to support public employees' organisations by financial or other means, with the object of placing such organisations under the control of a public authority, shall be deemed to constitute acts of interference within the meaning of this Article.

Part III. Facilities to be afforded to public employees' organisations

Article 6

1. Such facilities shall be afforded to the representatives of recognised public employees' organisations as may be appropriate in order to enable them to carry out their functions promptly and efficiently, both during and outside their hours of work.

2. The granting of such facilities shall not impair the efficient operation of the administration or service concerned.

3. The nature and scope of these facilities shall be determined in accordance with the methods referred to in Article 7 of this Convention, or by other appropriate means.

Part IV. Procedures for determining terms and conditions of employment

Article 7

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

Part V. Settlement of disputes

Article 8

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.

Part VI. Civil and political rights

Article 9

Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

Labour Relations (Public Service) Recommendation, 1978 (No. 159)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 64th Session (27 June 1978)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Having decided upon the adoption of certain proposals with regard to freedom of association and procedures for determining conditions of employment in the public service, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Relations (Public Service) Convention, 1978,

adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-eight, the following Recommendation, which may be cited as the Labour Relations (Public Service) Recommendation, 1978:

1. (1) In countries in which procedures for recognition of public employees' organisations apply with a view to determining the organisations to be granted, on a preferential or exclusive basis, the rights provided for under Parts III, IV or V of the Labour Relations (Public Service) Convention, 1978, such determination should be based on objective and pre-established criteria with regard to the organisations' representative character.

(2) The procedures referred to in subparagraph (1) of this Paragraph should be such as not to encourage the proliferation of organisations covering the same categories of employees.

2. (1) In the case of negotiation of terms and conditions of employment in accordance with Part IV of the Labour Relations (Public Service) Convention, 1978, the persons or bodies competent to negotiate on behalf of the public authority concerned and the procedure for giving effect to the agreed terms and conditions of employment should be determined by national laws or regulations or other appropriate means.

(2) Where methods other than negotiation are followed to allow representatives of public employees to participate in the determination of terms and conditions of employment, the procedure for such participation and for final determination of these matters should be determined by national laws or regulations or other appropriate means.

3. Where an agreement is concluded between a public authority and a public employees' organisation in pursuance of Paragraph 2, subparagraph (1), of this Recommendation, the period during which it is to operate and/or the procedure whereby it may be terminated, renewed or revised should normally be specified.

4. In determining the nature and scope of the facilities which should be afforded to representatives of public employees' organisations in accordance with Article 6, paragraph 3, of the Labour Relations (Public Service) Convention, 1978, regard should be had to the Workers' Representatives Recommendation, 1971.

Collective Bargaining Convention, 1981 (No. 154)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 Aug 1983	Geneva, ILC 67th Session (19 June 1981)	45

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and

Reaffirming the provision of the Declaration of Philadelphia recognising “the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve ... the effective recognition of the right of collective bargaining”, and noting that this principle is “fully applicable to all people everywhere”, and

Having regard to the key importance of existing international standards contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Collective Agreements Recommendation, 1951, the Voluntary Conciliation and Arbitration Recommendation, 1951, the Labour Relations (Public Service) Convention and Recommendation, 1978, and the Labour Administration Convention and Recommendation, 1978, and

Considering that it is desirable to make greater efforts to achieve the objectives of these standards and, particularly, the general principles set out in Article 4 of the Right to Organise and Collective Bargaining Convention, 1949, and in Paragraph 1 of the Collective Agreements Recommendation, 1951, and

Considering accordingly that these standards should be complemented by appropriate measures based on them and aimed at promoting free and voluntary collective bargaining, and

Having decided upon the adoption of certain proposals with regard to the promotion of collective bargaining, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this nineteenth day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Collective Bargaining Convention, 1981:

Part I. Scope and definitions

Article 1

1. This Convention applies to all branches of economic activity.
2. The extent to which the guarantees provided for in this Convention apply to the armed forces and the police may be determined by national laws or regulations or national practice.
3. As regards the public service, special modalities of application of this Convention may be fixed by national laws or regulations or national practice.

Article 2

For the purpose of this Convention the term *collective bargaining* extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for:

- (a) determining working conditions and terms of employment; and/or
- (b) regulating relations between employers and workers; and/or
- (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

Article 3

1. Where national law or practice recognises the existence of workers' representatives as defined in Article 3, subparagraph (b), of the Workers' Representatives Convention, 1971, national law or practice may determine the extent to which the term *collective bargaining* shall also extend, for the purpose of this Convention, to negotiations with these representatives.

2. Where, in pursuance of paragraph 1 of this Article, the term *collective bargaining* also includes negotiations with the workers' representatives referred to in that paragraph, appropriate measures shall be taken, wherever necessary, to ensure that the existence of these representatives is not used to undermine the position of the workers' organisations concerned.

Part II. Methods of application

Article 4

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

Part III. Promotion of collective bargaining

Article 5

1. Measures adapted to national conditions shall be taken to promote collective bargaining.
2. The aims of the measures referred to in paragraph 1 of this Article shall be the following:
 - (a) collective bargaining should be made possible for all employers and all groups of workers in the branches of activity covered by this Convention;
 - (b) collective bargaining should be progressively extended to all matters covered by subparagraphs (a), (b) and (c) of Article 2 of this Convention;
 - (c) the establishment of rules of procedure agreed between employers' and workers' organisations should be encouraged;
 - (d) collective bargaining should not be hampered by the absence of rules governing the procedure to be used or by the inadequacy or inappropriateness of such rules;
 - (e) bodies and procedures for the settlement of labour disputes should be so conceived as to contribute to the promotion of collective bargaining.

Article 6

The provisions of this Convention do not preclude the operation of industrial relations systems in which collective bargaining takes place within the framework of conciliation and/or arbitration machinery or institutions, in which machinery or institutions the parties to the collective bargaining process voluntarily participate.

Article 7

Measures taken by public authorities to encourage and promote the development of collective bargaining shall be the subject of prior consultation and, whenever possible, agreement between public authorities and employers' and workers' organisations.

Article 8

The measures taken with a view to promoting collective bargaining shall not be so conceived or applied as to hamper the freedom of collective bargaining.

Collective Bargaining Recommendation, 1981 (No. 163)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 67th Session (19 June 1981)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and

Having decided upon the adoption of certain proposals with regard to the promotion of collective bargaining, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Collective Bargaining Convention, 1981,

adopts this nineteenth day of June of the year one thousand nine hundred and eighty-one, the following Recommendation, which may be cited as the Collective Bargaining Recommendation, 1981:

I. Methods of application

1. The provisions of this Recommendation may be applied by national laws or regulations, collective agreements, arbitration awards or in any other manner consistent with national practice.

II. Means of promoting collective bargaining

2. In so far as necessary, measures adapted to national conditions should be taken to facilitate the establishment and growth, on a voluntary basis, of free, independent and representative employers' and workers' organisations.

3. As appropriate and necessary, measures adapted to national conditions should be taken so that:

- (a) representative employers' and workers' organisations are recognised for the purposes of collective bargaining;
- (b) in countries in which the competent authorities apply procedures for recognition with a view to determining the organisations to be granted the right to bargain collectively, such determination is based on pre-established and objective criteria with regard to the organisations' representative character, established in consultation with representative employers' and workers' organisations.

4. (1) Measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, the undertaking, the branch of activity, the industry, or the regional or national levels.

(2) In countries where collective bargaining takes place at several levels, the parties to negotiations should seek to ensure that there is co-ordination among these levels.

5. (1) Measures should be taken by the parties to collective bargaining so that their negotiators, at all levels, have the opportunity to obtain appropriate training.

(2) Public authorities may provide assistance to workers' and employers' organisations, at their request, for such training.

(3) The content and supervision of the programmes of such training should be determined by the appropriate workers' or employers' organisation concerned.

(4) Such training should be without prejudice to the right of workers' and employers' organisations to choose their own representatives for the purpose of collective bargaining.

6. Parties to collective bargaining should provide their respective negotiators with the necessary mandate to conduct and conclude negotiations, subject to any provisions for consultations within their respective organisations.

7. (1) Measures adapted to national conditions should be taken, if necessary, so that the parties have access to the information required for meaningful negotiations.

(2) For this purpose:

- (a) public and private employers should, at the request of workers' organisations, make available such information on the economic and social situation of the negotiating unit and the undertaking as a whole, as is necessary for meaningful negotiations; where the disclosure of some of this information could be prejudicial to the undertaking, its communication may be made conditional upon a commitment that it would be regarded as confidential to the extent required; the information to be made available may be agreed upon between the parties to collective bargaining;
- (b) the public authorities should make available such information as is necessary on the over-all economic and social situation of the country and the branch of activity concerned, to the extent to which the disclosure of this information is not prejudicial to the national interest.

8. Measures adapted to national conditions should be taken, if necessary, so that the procedures for the settlement of labour disputes assist the parties to find a solution to the dispute themselves, whether the dispute is one which arose during the negotiation of agreements, one which arose in connection with the interpretation and application of agreements or one covered by the Examination of Grievances Recommendation, 1967.

III. Final provision

9. This Recommendation does not revise any existing Recommendation.

Collective Agreements Recommendation, 1951 (No. 91)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 34th Session (29 June 1951)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Thirty-fourth Session on 6 June 1951, and
 Having decided upon the adoption of certain proposals with regard to collective agreements,
 which is included in the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation designed to
 be implemented by the parties concerned or by the public authorities as may be appropriate
 under national conditions,

adopts this twenty-ninth day of June of the year one thousand nine hundred and fifty-one, the following Recommendation, which may be cited as the Collective Agreements Recommendation, 1951:

I. Collective bargaining machinery

1. (1) Machinery appropriate to the conditions existing in each country should be established, by means of agreement or laws or regulations as may be appropriate under national conditions, to negotiate, conclude, revise and renew collective agreements, or to be available to assist the parties in the negotiation, conclusion, revision and renewal of collective agreements.

(2) The organisation, methods of operation and functions of such machinery should be determined by agreements between the parties or by national laws or regulations, as may be appropriate under national conditions.

II. Definition of collective agreements

2. (1) For the purpose of this Recommendation, the term *collective agreements* means all agreements in writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more representative workers' organisations, or, in the absence of such organisations, the representatives of the workers duly elected and authorised by them in accordance with national laws and regulations, on the other.

(2) Nothing in the present definition should be interpreted as implying the recognition of any association of workers established, dominated or financed by employers or their representatives.

III. Effects of collective agreements

3. (1) Collective agreements should bind the signatories thereto and those on whose behalf the agreement is concluded. Employers and workers bound by a collective agreement should not be able to include in contracts of employment stipulations contrary to those contained in the collective agreement.

(2) Stipulations in such contracts of employment which are contrary to a collective agreement should be regarded as null and void and automatically replaced by the corresponding stipulations of the collective agreement.

(3) Stipulations in contracts of employment which are more favourable to the workers than those prescribed by a collective agreement should not be regarded as contrary to the collective agreement.

(4) If effective observance of the provisions of collective agreements is secured by the parties thereto, the provisions of the preceding subparagraphs should not be regarded as calling for legislative measures.

4. The stipulations of a collective agreement should apply to all workers of the classes concerned employed in the undertakings covered by the agreement unless the agreement specifically provides to the contrary.

IV. Extension of collective agreements

5. (1) Where appropriate, having regard to established collective bargaining practice, measures, to be determined by national laws or regulations and suited to the conditions of each country, should be taken to extend the application of all or certain stipulations of a collective agreement to all the employers and workers included within the industrial and territorial scope of the agreement.

(2) National laws or regulations may make the extension of a collective agreement subject to the following, among other, conditions:

- (a) that the collective agreement already covers a number of the employers and workers concerned which is, in the opinion of the competent authority, sufficiently representative;
- (b) that, as a general rule, the request for extension of the agreement shall be made by one or more organisations of workers or employers who are parties to the agreement;
- (c) that, prior to the extension of the agreement, the employers and workers to whom the agreement would be made applicable by its extension should be given an opportunity to submit their observations.

V. Interpretation of collective agreements

6. Disputes arising out of the interpretation of a collective agreement should be submitted to an appropriate procedure for settlement established either by agreement between the parties or by laws or regulations as may be appropriate under national conditions.

VI. Supervision of application of collective agreements

7. The supervision of the application of collective agreements should be ensured by the employers' and workers' organisations parties to such agreements or by the bodies existing in each country for this purpose or by bodies established ad hoc.

VII. Miscellaneous

8. National laws or regulations may, among other things, make provision for:

- (a) requiring employers bound by collective agreements to take appropriate steps to bring to the notice of the workers concerned the texts of the collective agreements applicable to their undertakings;
- (b) the registration or deposit of collective agreements and any subsequent changes made therein;
- (c) a minimum period during which, in the absence of any provision to the contrary in the agreement, collective agreements shall be deemed to be binding unless revised or rescinded at an earlier date by the parties.

Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 44th Session (20 June 1960)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-fourth Session on 1 June 1960, and

Having decided upon the adoption of certain proposals with regard to consultation and co-operation between public authorities and employers' and workers' organisations at the industrial and national levels, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twentieth day of June of the year one thousand nine hundred and sixty, the following Recommendation, which may be cited as the Consultation (Industrial and National Levels) Recommendation, 1960:

1. (1) Measures appropriate to national conditions should be taken to promote effective consultation and co-operation at the industrial and national levels between public authorities and employers' and workers' organisations, as well as between these organisations, for the purposes indicated in Paragraphs 4 and 5 below, and on such other matters of mutual concern as the parties may determine.

(2) Such measures should be applied without discrimination of any kind against these organisations or amongst them on grounds such as the race, sex, religion, political opinion or national extraction of their members.

2. Such consultation and co-operation should not derogate from freedom of association or from the rights of employers' and workers' organisations, including their right of collective bargaining.

3. In accordance with national custom or practice, such consultation and co-operation should be provided for or facilitated:

- (a) by voluntary action on the part of the employers' and workers' organisations; or
- (b) by promotional action on the part of the public authorities; or
- (c) by laws or regulations; or
- (d) by a combination of any of these methods.

4. Such consultation and co-operation should have the general objective of promoting mutual understanding and good relations between public authorities and employers' and workers' organisations, as well as between these organisations, with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living.

5. Such consultation and co-operation should aim, in particular:

- (a) at joint consideration by employers' and workers' organisations of matters of mutual concern with a view to arriving, to the fullest possible extent, at agreed solutions; and
- (b) at ensuring that the competent public authorities seek the views, advice and assistance of employers' and workers' organisations in an appropriate manner, in respect of such matters as:
 - (i) the preparation and implementation of laws and regulations affecting their interests;
 - (ii) the establishment and functioning of national bodies, such as those responsible for organisation of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare; and
 - (iii) the elaboration and implementation of plans of economic and social development.

Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)

Status	Adoption
Technical instrument subject to a request for information	Geneva, ILC 34th Session (29 June 1951)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to voluntary conciliation and arbitration, which is included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation designed to be implemented by the parties concerned or by the public authorities as may be appropriate under national conditions,

adopts this twenty-ninth day of June of the year one thousand nine hundred and fifty-one, the following Recommendation, which may be cited as the Voluntary Conciliation and Arbitration Recommendation, 1951.

I. Voluntary conciliation

1. Voluntary conciliation machinery, appropriate to national conditions, should be made available to assist in the prevention and settlement of industrial disputes between employers and workers.

2. Where voluntary conciliation machinery is constituted on a joint basis, it should include equal representation of employers and workers.

3. (1) The procedure should be free of charge and expeditious; such time limits for the proceedings as may be prescribed by national laws or regulations should be fixed in advance and kept to a minimum.

(2) Provision should be made to enable the procedure to be set in motion, either on the initiative of any of the parties to the dispute or ex officio by the voluntary conciliation authority.

4. If a dispute has been submitted to conciliation procedure with the consent of all the parties concerned, the latter should be encouraged to abstain from strikes and lockouts while conciliation is in progress.

5. All agreements which the parties may reach during conciliation procedure or as a result thereof should be drawn up in writing and be regarded as equivalent to agreements concluded in the usual manner.

II. Voluntary arbitration

6. If a dispute has been submitted to arbitration for final settlement with the consent of all parties concerned, the latter should be encouraged to abstain from strikes and lockouts while the arbitration is in progress and to accept the arbitration award.

III. General

7. No provision of this Recommendation may be interpreted as limiting, in any way whatsoever, the right to strike.

Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)

Status	Adoption
Technical instrument subject to a request for information	Geneva, ILC 35th Session (26 June 1952)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fifth Session on 4 June 1952, and

Having decided upon the adoption of certain proposals with regard to consultation and co-operation between employers and workers at the level of the undertaking, which is included in the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation designed to be implemented by the parties concerned or by the public authorities as may be appropriate under national conditions,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-two, the following Recommendation, which may be cited as the Co-operation at the Level of the Undertaking Recommendation, 1952:

1. Appropriate steps should be taken to promote consultation and co-operation between employers and workers at the level of the undertaking on matters of mutual concern not within the scope of collective bargaining machinery, or not normally dealt with by other machinery concerned with the determination of terms and conditions of employment.

2. In accordance with national custom or practice, such consultation and co-operation should be:

- (a) facilitated by the encouragement of voluntary agreements between the parties, or
- (b) promoted by laws or regulations which would establish bodies for consultation and co-operation and determine their scope, functions, structure and methods of operation as may be appropriate to the conditions in the various undertakings, or
- (c) facilitated or promoted by a combination of these methods.

Communications within the Undertaking Recommendation, 1967 (No. 129)

Status	Adoption
Technical instrument subject to a request for information	Geneva, ILC 51st Session (28 June 1967)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7 June 1967, and

Noting the terms of the Co-operation at the Level of the Undertaking Recommendation, 1952, and

Considering that additional standards are called for, and

Having decided upon the adoption of certain proposals with regard to communications within the undertaking, which is included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-seven, the following Recommendation, which may be cited as the Communications within the Undertaking Recommendation, 1967:

I. General considerations

1. Each Member should take appropriate action to bring the provisions of this Recommendation to the attention of persons, organisations and authorities who may be concerned with the establishment and application of policies concerning communications between management and workers within undertakings.

2. (1) Employers and their organisations as well as workers and their organisations should, in their common interest, recognise the importance of a climate of mutual understanding and confidence within undertakings that is favourable both to the efficiency of the undertaking and to the aspirations of the workers.

(2) This climate should be promoted by the rapid dissemination and exchange of information, as complete and objective as possible, relating to the various aspects of the life of the undertaking and to the social conditions of the workers.

(3) With a view to the development of such a climate management should, after consultation with workers' representatives, adopt appropriate measures to apply an effective policy of communication with the workers and their representatives.

3. An effective policy of communication should ensure that information is given and that consultation takes place between the parties concerned before decisions on matters of major interest are taken by management, in so far as disclosure of the information will not cause damage to either party.

4. The communication methods should in no way derogate from freedom of association; they should in no way cause prejudice to freely chosen workers' representatives or to their organisations or curtail the functions of bodies representative of the workers in conformity with national law and practice.

5. Employers' and workers' organisations should have mutual consultations and exchanges of views in order to examine the measures to be taken with a view to encouraging and promoting the acceptance of communications policies and their effective application.

6. Steps should be taken to train those concerned in the use of communication methods and to make them, as far as possible, conversant with all the subjects in respect of which communication should take place.

7. In the establishment and application of a communications policy, management, employers' and workers' organisations, bodies representative of the workers and, where appropriate under national conditions, public authorities should be guided by the provisions of Part II below.

II. Elements for a communications policy within the undertaking

8. Any communications policy should be adapted to the nature of the undertaking concerned, account being taken of its size and of the composition and interests of the work force.

9. With a view to fulfilling its purpose, any communications system within the undertaking should be designed to ensure genuine and regular two-way communication:

- (a) between representatives of management (head of the undertaking, department chief, foreman, etc.) and the workers; and
- (b) between the head of the undertaking, the director of personnel or any other representative of top management and trade union representatives or such other persons as may, under national law or practice, or under collective agreements, have the task of representing the interests of the workers at the level of the undertaking.

10. Where the management desires to transmit information through workers' representatives, the latter, if they agree to do so, should be given the means to communicate such information rapidly and completely to the workers concerned.

11. Management should, in choosing the channel or channels of communication which it considers appropriate for the type of information to be transmitted, take due account of the difference in the nature of the functions of supervisors and workers' representatives so as not to weaken their respective positions.

12. The selection of the appropriate medium of communication, and its timing, should be on the basis of the circumstances of each particular situation, account being taken of national practice.

13. Media of communication may include:

- (a) meetings for the purpose of exchanging views and information;
- (b) media aimed at given groups of workers, such as supervisors' bulletins and personnel policy manuals;
- (c) mass media such as house journals and magazines; news-letters and information and induction leaflets; notice-boards; annual or financial reports presented in a form understandable to all the workers; employee letters; exhibitions; plant visits; films; filmstrips and slides; radio and television;
- (d) media aimed at permitting workers to submit suggestions and to express their ideas on questions relating to the operation of the undertaking.

14. The information to be communicated and its presentation should be determined with a view to mutual understanding in regard to the problems posed by the complexity of the undertaking's activities.

15. (1) The information to be given by management should, account being taken of its nature, be addressed either to the workers' representatives or to the workers and should, as far as possible, include all matters of interest to the workers relating to the operation and future prospects of the undertaking and to the present and future situation of the workers, in so far as disclosure of the information will not cause damage to the parties.

(2) In particular, management should give information regarding:

- (a) general conditions of employment, including engagement, transfer and termination of employment;
- (b) job descriptions and the place of particular jobs within the structure of the undertaking;
- (c) possibilities of training and prospects of advancement within the undertaking;
- (d) general working conditions;
- (e) occupational safety and health regulations and instructions for the prevention of accidents and occupational diseases;
- (f) procedures for the examination of grievances as well as the rules and practices governing their operation and the conditions for having recourse to them;
- (g) personnel welfare services (medical care, health, canteens, housing, leisure, savings and banking facilities, etc.);
- (h) social security or social assistance schemes in the undertaking;
- (i) the regulations of national social security schemes to which the workers are subject by virtue of their employment in the undertaking;
- (j) the general situation of the undertaking and prospects or plans for its future development;
- (k) the explanation of decisions which are likely to affect directly or indirectly the situation of workers in the undertaking;
- (l) methods of consultation and discussion and of co-operation between management and its representatives on the one hand and the workers and their representatives on the other.

(3) In the case of a question which has been the subject of negotiations between the employer and the workers or their representatives in the undertaking or of a collective agreement concluded at a level beyond that of the undertaking, the information should make express reference thereto.

Examination of Grievances Recommendation, 1967 (No. 130)

Status	Adoption
Technical instrument subject to a request for information	Geneva, ILC 51st Session (29 June 1967)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7 June 1967, and

Noting the terms of existing international labour Recommendations dealing with various aspects of labour-management relations, and in particular the Collective Agreements Recommendation, 1951, the Voluntary Conciliation and Arbitration Recommendation, 1951, the Co-operation at the Level of the Undertaking Recommendation, 1952, and the Termination of Employment Recommendation, 1963, and

Considering that additional standards are called for, and

Noting the terms of the Communications within the Undertaking Recommendation, 1967, and

Having decided upon the adoption of certain proposals with regard to the examination of grievances within the undertaking, which is included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-ninth day of June of the year one thousand nine hundred and sixty-seven, the following Recommendation, which may be cited as the Examination of Grievances Recommendation, 1967:

I. Methods of implementation

1. Effect may be given to this Recommendation through national laws or regulations, collective agreements, works rules, or arbitration awards, or in such other manner consistent with national practice as may be appropriate under national conditions.

II. General principles

2. Any worker who, acting individually or jointly with other workers, considers that he has grounds for a grievance should have the right:

- (a) to submit such grievance without suffering any prejudice whatsoever as a result; and
- (b) to have such grievance examined pursuant to an appropriate procedure.

3. The grounds for a grievance may be any measure or situation which concerns the relations between employer and worker or which affects or may affect the conditions of employment of one or several workers in the undertaking when that measure or situation appears contrary to provisions of an applicable collective agreement or of an individual contract of employment, to works rules, to laws or regulations or to the custom or usage of the occupation, branch of economic activity or country, regard being had to principles of good faith.

4. (1) The provisions of this Recommendation are not applicable to collective claims aimed at the modification of terms and conditions of employment.

(2) The determination of the distinction between cases in which a complaint submitted by one or more workers is a grievance to be examined under the procedures provided for in this Recommendation and cases in which a complaint is a general claim to be dealt with by means of collective bargaining or under some other procedure for settlement of disputes is a matter for national law or practice.

5. When procedures for the examination of grievances are established through collective agreements, the parties to such an agreement should be encouraged to include therein a provision to the effect that, during the period of its validity, they undertake to promote settlement of grievances under the procedures provided and to abstain from any action which might impede the effective functioning of these procedures.

6. Workers' organisations or the representatives of the workers in the undertaking should be associated, with equal rights and responsibilities, with the employers or their organisations, preferably by way of agreement, in the establishment and implementation of grievance procedures within the undertaking, in conformity with national law or practice.

7. (1) With a view to minimising the number of grievances, the greatest attention should be given to the establishment and proper functioning of a sound personnel policy, which should take into account and respect the rights and interests of the workers.

(2) In order to achieve such a policy and to solve social questions affecting the workers within the undertaking, management should, before taking a decision, co-operate with the workers' representatives.

8. As far as possible, grievances should be settled within the undertaking itself according to effective procedures which are adapted to the conditions of the country, branch of economic activity and undertaking concerned and which give the parties concerned every assurance of objectivity.

9. None of the provisions of this Recommendation should result in limiting the right of a worker to apply directly to the competent labour authority or to a labour court or other judicial authority in respect of a grievance, where such right is recognised under national laws or regulations.

III. Procedures within the undertaking

10. (1) As a general rule an attempt should initially be made to settle grievances directly between the worker affected, whether assisted or not, and his immediate supervisor.

(2) Where such attempt at settlement has failed or where the grievance is of such a nature that a direct discussion between the worker affected and his immediate supervisor would be appropriate, the worker should be entitled to have his case considered at one or more higher steps, depending on the nature of the grievance and on the structure and size of the undertaking.

11. Grievance procedures should be so formulated and applied that there is a real possibility of achieving at each step provided for by the procedure a settlement of the case freely accepted by the worker and the employer.

12. Grievance procedures should be as uncomplicated and as rapid as possible, and appropriate time limits may be prescribed if necessary for this purpose; formality in the application of these procedures should be kept to a minimum.

13. (1) The worker concerned should have the right to participate directly in the grievance procedure and to be assisted or represented during the examinations of his grievance by a representative of a workers' organisation, by a representative of the workers in the undertaking, or by any other person of his own choosing, in conformity with national law or practice.

(2) The employer should have the right to be assisted or represented by an employers' organisation.

(3) Any person employed in the same undertaking who assists or represents the worker during the examination of his grievance should, on condition that he acts in conformity with the grievance procedure, enjoy the same protection as that enjoyed by the worker under Paragraph 2, clause (a), of this Recommendation.

14. The worker concerned, or his representative if the latter is employed in the same undertaking, should be allowed sufficient time to participate in the procedure for the examination of the grievance and should not suffer any loss of remuneration because of his absence from work as a result of such participation, account being taken of any rules and practices, including safeguards against abuses, which might be provided for by legislation, collective agreements or other appropriate means.

15. If the parties consider it necessary, minutes of the proceedings may be drawn up in mutual agreement and be available to the parties.

16. (1) Appropriate measures should be taken to ensure that grievance procedures, as well as the rules and practices governing their operation and the conditions for having recourse to them, are brought to the knowledge of the workers.

(2) Any worker who has submitted a grievance should be kept informed of the steps being taken under the procedure and of the action taken on his grievance.

IV. Adjustment of unsettled grievances

17. Where all efforts to settle the grievance within the undertaking have failed, there should be a possibility, account being taken of the nature of the grievance, for final settlement of such grievance through one or more of the following procedures:

- (a) procedures provided for by collective agreement, such as joint examination of the case by the employers' and workers' organisations concerned or voluntary arbitration by a person or persons designated with the agreement of the employer and worker concerned or their respective organisations;
- (b) conciliation or arbitration by the competent public authorities;
- (c) recourse to a labour court or other judicial authority;
- (d) any other procedure which may be appropriate under national conditions.

18. (1) The worker should be allowed the time off necessary to take part in the procedures referred to in Paragraph 17 of this Recommendation.

(2) Recourse by the worker to any of the procedures provided for in Paragraph 17 should not involve for him any loss of remuneration when his grievance is proved justified in the course of these procedures. Every effort should be made, where possible, for the operation of these procedures outside the working hours of the workers concerned.

Forced labour*

Fundamental Conventions on forced labour (and related Recommendation)	55
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* Withdrawn recommendation: Forced Labour (Regulation) Recommendation, 1930 (No. 36)

Fundamental Conventions on forced labour (and related Recommendation)

B

Forced Labour Convention, 1930 (No. 29)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	1 May 1932	Geneva, ILC 14th Session (28 June 1930)	177

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and
 Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

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

[...]¹

Article 2

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

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

- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

1. Paragraphs 2 and 3 of Article 1 have not been reproduced as these transitional provisions are no longer applicable. See paragraph 10 of the *2007 General Survey on the Eradication of Forced Labour* and the new *Report Form for the Forced Labour Convention, 1930 (No. 29)*, adopted by the Governing Body in March 2010 (Document GB.307/10/2 (rev.)).

- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

[...]²

Article 25

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

Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29)

Status	Adoption
Up-to-date instrument	Geneva, ILC 103rd Session (11 June 2014)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Recognizing that the prohibition of forced or compulsory labour forms part of the body of fundamental rights, and that forced or compulsory labour violates the human rights and dignity of millions of women and men, girls and boys, contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all, and

Recognizing the vital role played by the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as “the Convention”, and the Abolition of Forced Labour Convention, 1957 (No. 105), in combating all forms of forced or compulsory labour, but that gaps in their implementation call for additional measures, and

Recalling that the definition of forced or compulsory labour under Article 2 of the Convention covers forced or compulsory labour in all its forms and manifestations and is applicable to all human beings without distinction, and

Emphasizing the urgency of eliminating forced and compulsory labour in all its forms and manifestations, and

Recalling the obligation of Members that have ratified the Convention to make forced or compulsory labour punishable as a penal offence, and to ensure that the penalties imposed by law are really adequate and are strictly enforced, and

2. Article 3 to 24 have not been reproduced as these transitional provisions are no longer applicable. See paragraph 10 of the *2007 General Survey on the Eradication of Forced Labour* and the new *Report Form for the Forced Labour Convention, 1930 (No. 29)*, adopted by the Governing Body in March 2010 (Document GB.307/10/2 (rev.)).

Noting that the transitional period provided for in the Convention has expired, and the provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 are no longer applicable, and

Recognizing that the context and forms of forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination, and

Noting that there is an increased number of workers who are in forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers have a higher risk of becoming victims of forced or compulsory labour, especially migrants, and

Noting that the effective and sustained suppression of forced or compulsory labour contributes to ensuring fair competition among employers as well as protection for workers, and

Recalling the relevant international labour standards, including, in particular, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Private Employment Agencies Convention, 1997 (No. 181), the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), as well as the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalization (2008), and

Recalling the relevant international labour standards, including, in particular, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Private Employment Agencies Convention, 1997 (No. 181), the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), as well as the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalization (2008), and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Convention, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Convention;

adopts this eleventh day of June two thousand and fourteen the following Protocol, which may be cited as the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.

2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.

3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (c) undertaking efforts to ensure that:
 - (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
 - (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Article 7

The transitional provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 of the Convention shall be deleted.

Article 8

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force twelve months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member twelve months after the date on which its ratification is registered and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

Article 9

1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 30, by an act communicated to the Director-General of the International Labour Office for registration.

2. Denunciation of the Convention in accordance with its Articles 30 or 32 shall ipso jure involve the denunciation of this Protocol.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	17 Jan 1959	Geneva, ILC 40th Session (25 June 1957)	174 Denounced: 2

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having considered the question of forced labour, which is the fourth item on the agenda of the session, and

Having noted the provisions of the Forced Labour Convention, 1930, and

Having noted that the Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom, and

Having noted that the Protection of Wages Convention, 1949, provides that wages shall be paid regularly and prohibits methods of payment which deprive the worker of a genuine possibility of terminating his employment, and

Having decided upon the adoption of further proposals with regard to the abolition of certain forms of forced or compulsory labour constituting a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Abolition of Forced Labour Convention, 1957:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 14th Session (28 June 1930)

B

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Fourteenth Session on 10 June 1930, and
 Having decided upon the adoption of certain proposals with regard to indirect compulsion to
 labour, which is included in the first item on the agenda of the Session, and
 Having determined that these proposals should take the form of a Recommendation,
 adopts this twenty-eighth day of June of the year one thousand nine hundred thirty, the
 following Recommendation, which may be cited as the Forced Labour (Indirect Compulsion)
 Recommendation, 1930, to be submitted to the Members of the International Labour
 Organisation for consideration with a view to effect being given to it by national legislation or
 otherwise, in accordance with the provisions of the Constitution of the International Labour
 Organisation:

Having adopted a Convention concerning forced or compulsory labour, and

Desiring to supplement this Convention by a statement of the principles which appear best fitted
 to guide the policy of the Members in endeavouring to avoid any indirect compulsion to
 labour which would lay too heavy a burden upon the populations of territories to which the
 Convention may apply,

The Conference recommends that each Member should take the following principles into
 consideration:

I

The amount of labour available, the capacities for labour of the population, and the evil effects
 which too sudden changes in the habits of life and labour may have on the social conditions of the
 population, are factors which should be taken into consideration in deciding questions connected
 with the economic development of territories in a primitive stage of development, and, in particular,
 when deciding upon:

- (a) increases in the number and extent of industrial, mining and agricultural undertakings in such
 territories;
- (b) the non-indigenous settlement, if any, which is to be permitted;
- (c) the granting of forest or other concessions, with or without the character of monopolies.

II

The desirability of avoiding indirect means of artificially increasing the economic pressure upon
 populations to seek wage-earning employment, and particularly such means as:

- (a) imposing such taxation upon populations as would have the effect of compelling them to seek
 wage-earning employment with private undertakings;
- (b) imposing such restrictions on the possession, occupation, or use of land as would have the effect
 of rendering difficult the gaining of a living by independent cultivation;
- (c) extending abusively the generally accepted meaning of vagrancy;
- (d) adopting such pass laws as would have the effect of placing workers in the service of others in a
 position of advantage as compared with that of other workers.

III

The desirability of avoiding any restrictions on the voluntary flow of labour from one form
 of employment to another or from one district to another which might have the indirect effect
 of compelling workers to take employment in particular industries or districts, except where such
 restrictions are considered necessary in the interest of the population or of the workers concerned.

Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

Status	Adoption
Up-to-date instrument	Geneva, ILC 103rd Session (11 June 2014)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Having adopted the Protocol of 2014 to the Forced Labour Convention, 1930, hereinafter referred to as “the Protocol”, and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as “the Convention”, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Convention and the Protocol;

adopts this eleventh day of June of the year two thousand and fourteen the following Recommendation, which may be cited as the Forced Labour (Supplementary Measures) Recommendation, 2014.

1. Members should establish or strengthen, as necessary, in consultation with employers’ and workers’ organizations as well as other groups concerned:

- (a) national policies and plans of action with time-bound measures using a gender- and child-sensitive approach to achieve the effective and sustained suppression of forced or compulsory labour in all its forms through prevention, protection and access to remedies, such as compensation of victims, and the sanctioning of perpetrators; and
- (b) competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action.

2. (1) Members should regularly collect, analyse and make available reliable, unbiased and detailed information and statistical data, disaggregated by relevant characteristics such as sex, age and nationality, on the nature and extent of forced or compulsory labour which would allow an assessment of progress made.

(2) The right to privacy with regard to personal data should be respected.

Prevention

3. Members should take preventive measures that include:

- (a) respecting, promoting and realizing fundamental principles and rights at work;
- (b) the promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations;
- (c) programmes to combat the discrimination that heightens vulnerability to forced or compulsory labour;
- (d) initiatives to address child labour and promote educational opportunities for children, both boys and girls, as a safeguard against children becoming victims of forced or compulsory labour; and
- (e) taking steps to realize the objectives of the Protocol and the Convention.

4. Taking into account their national circumstances, Members should take the most effective preventive measures, such as:

- (a) addressing the root causes of workers’ vulnerability to forced or compulsory labour;

- (b) targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them, inter alia, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need;
- (c) targeted awareness-raising campaigns regarding sanctions for violating the prohibition on forced or compulsory labour;
- (d) skills training programmes for at-risk population groups to increase their employability and income-earning opportunities and capacity;
- (e) steps to ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that they are effectively enforced. The relevant information on the terms and conditions of employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations or collective agreements;
- (f) basic social security guarantees forming part of the national social protection floor, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), in order to reduce vulnerability to forced or compulsory labour;
- (g) orientation and information for migrants, before departure and upon arrival, in order for them to be better prepared to work and live abroad and to create awareness and better understanding about trafficking for forced labour situations;
- (h) coherent policies, such as employment and labour migration policies, which take into account the risks faced by specific groups of migrants, including those in an irregular situation, and address circumstances that could result in forced labour situations;
- (i) promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion; and
- (j) in giving effect to their obligations under the Convention to suppress forced or compulsory labour, providing guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked.

Protection

5. (1) Targeted efforts should be made to identify and release victims of forced or compulsory labour.

(2) Protective measures should be provided to victims of forced or compulsory labour. These measures should not be made conditional on the victim's willingness to cooperate in criminal or other proceedings.

(3) Steps may be taken to encourage the cooperation of victims for the identification and punishment of perpetrators.

6. Members should recognize the role and capacities of workers' organizations and other organizations concerned to support and assist victims of forced or compulsory labour.

7. Members should, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

8. Members should take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as:

- (a) eliminating the charging of recruitment fees to workers;
- (b) requiring transparent contracts that clearly explain terms of employment and conditions of work;

- (c) establishing adequate and accessible complaint mechanisms;
- (d) imposing adequate penalties; and
- (e) regulating or licensing these services.

9. Taking into account their national circumstances, Members should take the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation, such as:

- (a) reasonable efforts to protect the safety of victims of forced or compulsory labour as well as of family members and witnesses, as appropriate, including protection from intimidation and retaliation for exercising their rights under relevant national laws or for cooperation with legal proceedings;
- (b) adequate and appropriate accommodation;
- (c) health care, including both medical and psychological assistance, as well as provision of special rehabilitative measures for victims of forced or compulsory labour, including those who have also been subjected to sexual violence;
- (d) material assistance;
- (e) protection of privacy and identity; and
- (f) social and economic assistance, including access to educational and training opportunities and access to decent work.

10. Protective measures for children subjected to forced or compulsory labour should take into account the special needs and best interests of the child, and, in addition to the protections provided for in the Worst Forms of Child Labour Convention, 1999 (No. 182), should include:

- (a) access to education for girls and boys;
- (b) the appointment of a guardian or other representative, where appropriate;
- (c) when the person's age is uncertain but there are reasons to believe him or her to be less than 18 years of age, a presumption of minor status, pending age verification; and
- (d) efforts to reunite children with their families, or, when it is in the best interests of the child, provide family-based care.

11. Taking into account their national circumstances, Members should take the most effective protective measures for migrants subjected to forced or compulsory labour, irrespective of their legal status in the national territory, including:

- (a) provision of a reflection and recovery period in order to allow the person concerned to take an informed decision relating to protective measures and participation in legal proceedings, during which the person shall be authorized to remain in the territory of the member State concerned when there are reasonable grounds to believe that the person is a victim of forced or compulsory labour;
- (b) provision of temporary or permanent residence permits and access to the labour market; and
- (c) facilitation of safe and preferably voluntary repatriation.

Remedies, such as compensation and access to justice

12. Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:

- (a) ensuring, in accordance with national laws, regulations and practice, that all victims, either by themselves or through representatives, have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages;
- (b) providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits;
- (c) ensuring access to appropriate existing compensation schemes;
- (d) providing information and advice regarding victims' legal rights and the services available, in a language that they can understand, as well as access to legal assistance, preferably free of charge; and

- (e) providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State, under simplified procedural requirements, when appropriate.

Enforcement

13. Members should take action to strengthen the enforcement of national laws and regulations and other measures, including by:

- (a) giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training to allow them to effectively enforce the law and cooperate with other organizations concerned for the prevention and protection of victims of forced or compulsory labour;
- (b) providing for the imposition of penalties, in addition to penal sanctions, such as the confiscation of profits of forced or compulsory labour and of other assets in accordance with national laws and regulations;
- (c) ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour in applying Article 25 of the Convention and clause (b) above; and
- (d) strengthening efforts to identify victims, including by developing indicators of forced or compulsory labour for use by labour inspectors, law enforcement services, social workers, immigration officers, public prosecutors, employers, employers' and workers' organizations, non-governmental organizations and other relevant actors.

International cooperation

14. International cooperation should be strengthened between and among Members and with relevant international and regional organizations, which should assist each other in achieving the effective and sustained suppression of forced or compulsory labour, including by:

- (a) strengthening international cooperation between labour law enforcement institutions in addition to criminal law enforcement;
- (b) mobilizing resources for national action programmes and international technical cooperation and assistance;
- (c) mutual legal assistance;
- (d) cooperation to address and prevent the use of forced or compulsory labour by diplomatic personnel; and
- (e) mutual technical assistance, including the exchange of information and the sharing of good practice and lessons learned in combating forced or compulsory labour.

Elimination of child labour and protection of children and young persons

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1. Fundamental Conventions on child labour (and related Recommendations)

Minimum Age Convention, 1973 (No. 138)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	19 June 1976	Geneva, ILC 58th Session (26 June 1973)	167

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural

undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:

- (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
- (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

- (a) not likely to be harmful to their health or development; and
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted:

- (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,
- (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,
- (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,
- (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this

Convention applies to maritime employment, this shall *ipso jure* involve the immediate denunciation of that Convention,

- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall *ipso jure* involve the immediate denunciation of that Convention,
- (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention:

- (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,
- (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,
- (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

Minimum Age Recommendation, 1973 (No. 146)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 58th Session (26 June 1973)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Recognising that the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and young persons, and

Noting the concern of the whole United Nations system with such protection and advancement, and

Having adopted the Minimum Age Convention, 1973, and

Desirous to define further certain elements of policy which are the concern of the International Labour Organisation, and

Having decided upon the adoption of certain proposals regarding minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Minimum Age Convention, 1973,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three, the following Recommendation, which may be cited as the Minimum Age Recommendation, 1973:

I. National policy

1. To ensure the success of the national policy provided for in Article 1 of the Minimum Age Convention, 1973, high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

2. In this connection special attention should be given to such areas of planning and policy as the following:

- (a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;
- (b) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;
- (c) the development and progressive extension, without any discrimination, of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;
- (d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;
- (e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development.

3. Particular account should as necessary be taken of the needs of children and young persons who do not have families or do not live with their own families and of migrant children and young persons who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.

4. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with Article 2 of the Minimum Age Convention, 1973.

5. (1) Consideration should be given to measures such as preparatory training, not involving hazards, for types of employment or work in respect of which the minimum age prescribed in accordance with Article 3 of the Minimum Age Convention, 1973, is higher than the age of completion of compulsory full-time schooling.

(2) Analogous measures should be envisaged where the professional exigencies of a particular occupation include a minimum age for admission which is higher than the age of completion of compulsory full-time schooling.

II. Minimum age

6. The minimum age should be fixed at the same level for all sectors of economic activity.

7. (1) Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention, 1973.

(2) Where the minimum age for employment or work covered by Article 2 of the Minimum Age Convention, 1973, is still below 15 years, urgent steps should be taken to raise it to that level.

8. Where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at least for employment on plantations and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.

III. Hazardous employment or work

9. Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

10. (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work.

(2) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.

IV. Conditions of employment

12. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

13. (1) In connection with the application of the preceding Paragraph, as well as in giving effect to Article 7, paragraph 3, of the Minimum Age Convention, 1973, special attention should be given to:

- (a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;
- (b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;
- (c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;
- (d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;
- (e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;
- (f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

(2) Subparagraph (1) of this Paragraph applies to young seafarers in so far as they are not covered in respect of the matters dealt with therein by international labour Conventions or Recommendations specifically concerned with maritime employment.

V. Enforcement

14. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include:

- (a) the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses; and
- (b) the strengthening of services for the improvement and inspection of training in undertakings.

(2) Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement.

(3) Labour inspection and inspection of training in undertakings should be closely co-ordinated to provide the greatest economic efficiency and, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

15. Special attention should be paid:

- (a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and
- (b) in so far as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

16. The following measures should be taken to facilitate the verification of ages:

- (a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;
- (b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;
- (c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licences or other documents indicating their eligibility for such work.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	19 Nov 2000	Geneva, ILC 87th Session (17 June 1999)	179

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;
- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and
- (e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Worst Forms of Child Labour Recommendation, 1999 (No. 190)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 87th Session (17 June 1999)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-seventh Session on 1 June 1999, and

Having adopted the Worst Forms of Child Labour Convention, 1999, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Worst Forms of Child Labour Convention, 1999;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Recommendation, which may be cited as the Worst Forms of Child Labour Recommendation, 1999.

1. The provisions of this Recommendation supplement those of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as “the Convention”), and should be applied in conjunction with them.

I. Programmes of action

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers’ and workers’ organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:

- (a) identifying and denouncing the worst forms of child labour;
- (b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
- (c) giving special attention to:
 - (i) younger children;
 - (ii) the girl child;
 - (iii) the problem of hidden work situations, in which girls are at special risk;
 - (iv) other groups of children with special vulnerabilities or needs;
- (d) identifying, reaching out to and working with communities where children are at special risk;
- (e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

III. Implementation

5. (1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

(2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.

(3) Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.

6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.

7. The information compiled under Paragraph 5 above should be communicated to the International Labour Office on a regular basis.

8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour, after consultation with employers' and workers' organizations.

9. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.

10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.

11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:

- (a) gathering and exchanging information concerning criminal offences, including those involving international networks;
- (b) detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;
- (c) registering perpetrators of such offences.

12. Members should provide that the following worst forms of child labour are criminal offences:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and

- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.

14. Members should also provide as a matter of urgency for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.

15. Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:

- (a) informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary;
- (b) involving and training employers' and workers' organizations and civic organizations;
- (c) providing appropriate training for the government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;
- (d) providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;
- (e) simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;
- (f) encouraging the development of policies by undertakings to promote the aims of the Convention;
- (g) monitoring and giving publicity to best practices on the elimination of child labour;
- (h) giving publicity to legal or other provisions on child labour in the different languages or dialects;
- (i) establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing helplines or points of contact and ombudspersons;
- (j) adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls;
- (k) as far as possible, taking into account in national programmes of action:
 - (i) the need for job creation and vocational training for the parents and adults in the families of children working in the conditions covered by the Convention; and
 - (ii) the need for sensitizing parents to the problem of children working in such conditions.

16. Enhanced international cooperation and/or assistance among Members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers' and workers' organizations. Such international cooperation and/or assistance should include:

- (a) mobilizing resources for national or international programmes;
- (b) mutual legal assistance;
- (c) technical assistance including the exchange of information;
- (d) support for social and economic development, poverty eradication programmes and universal education.

2. Protection of children and young persons¹

Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	29 Dec 1950	Montreal, ILC 29th Session (9 Oct 1946)	43

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to medical examination for fitness for employment in industry of children and young persons, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Medical Examination of Young Persons (Industry) Convention, 1946:

Part I. General provisions

Article 1

1. This Convention applies to children and young persons employed or working in, or in connection with, industrial undertakings, whether public or private.

2. For the purpose of this Convention, the term *industrial undertaking* includes particularly:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
- (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;
- (d) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.

3. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

1. 1) Outdated instruments: Minimum Age (Industry) Convention, 1919 (No. 5); Minimum Age (Agriculture) Convention, 1921 (No. 10); Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33); Minimum Age (Industry) Convention (Revised), 1937 (No. 59); Minimum Age (Underground Work) Convention, 1965 (No. 123); Minimum Age (Underground Work) Recommendation, 1965 (No. 124). 2) Shelved conventions: Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60). 3) Withdrawn recommendation: Minimum Age (Coal Mines) Recommendation, 1953 (No. 96).

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination.

2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.

3. The document certifying fitness for employment may be issued:

- (a) subject to specified conditions of employment;
- (b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.

4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.

2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.

3. National laws or regulations shall:

- (a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations; or
- (b) empower the competent authority to require medical re-examinations in exceptional cases.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

Article 5

The medical examination required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.

2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.

3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined:

- (a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination;
- (b) of permits or certificates requiring special conditions of employment.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

2. National laws or regulations shall determine the other methods of supervision to be adopted for ensuring the strict enforcement of this Convention.

Part II. Special provisions for certain countries

Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 9

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment in industry of children and young persons may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Article 10

1. The provisions of part I of this Convention shall apply to India subject to the modifications set forth in this Article:

- (a) the said provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them;
- (b) the term *industrial undertaking* shall include:
 - (i) factories as defined in the Indian Factories Act;
 - (ii) mines as defined in the Indian Mines Act;
 - (iii) railways
 - (iv) all employments covered by the Employment of Children Act, 1938;
- (c) Articles 2 and 3 shall apply to children and young persons under sixteen years of age;
- (d) in Article 4 nineteen years shall be substituted for twenty-one years;
- (e) paragraphs 1 and 2 of Article 6 shall not apply to India.

2. The provisions of paragraph 1 of this Article shall be subject to amendment by the following procedure:

- (a) the International Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to paragraph 1 of this Article;
- (b) any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration;
- (d) any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

Part III. Final articles*Article 11*

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	29 Dec 1950	Montreal, ILC 29th Session (9 Oct 1946)	39

The General Conference of the International Labour Organisation,
 Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and
 Having decided upon the adoption of certain proposals with regard to medical examination for fitness for employment in non-industrial occupations of children and young persons, which is included in the third item on the agenda of the Session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946:

Part I. General provisions

Article 1

1. This Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, in non-industrial occupations.
2. For the purpose of this Convention, the term *non-industrial occupations* includes all occupations other than those recognised by the competent authority as industrial, agricultural and maritime occupations.
3. The competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.
4. National laws or regulations may exempt from the application of this Convention employment, on work which is recognised as not being dangerous to the health of children or young persons, in family undertakings in which only parents and their children or wards are employed.

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment or work in non-industrial occupations unless they have been found fit for the work in question by a thorough medical examination.
2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.
3. The document certifying fitness for employment may be issued:
 - (a) subject to specified conditions of employment;
 - (b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.

4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.

2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.

3. National laws or regulations shall:

- (a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations; or
- (b) empower the competent authority to require medical re-examinations in exceptional cases.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

Article 5

The medical examinations required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.

2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.

3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined:

- (a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination;
- (b) of permits or certificates requiring special conditions of employment.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

2. National laws or regulations shall determine:
- (a) the measures of identification to be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access; and
 - (b) the other methods of supervision to be adopted for ensuring the strict enforcement of the Convention.

Part II. Special provisions for certain countries

Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 9

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment of young persons in non-industrial occupations may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Part III. Final articles

Article 10

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	13 Dec 1967	Geneva, ILC 49th Session (23 June 1965)	41

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-ninth Session on 2 June 1965, and

Having decided upon the adoption of certain proposals with regard to medical examination of young persons for fitness for employment underground in mines, which is included in the fourth item on the agenda of the session, and

Noting that the Medical Examination of Young Persons (Industry) Convention, 1946, which is applicable to mines, provides that children and young persons under 18 years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination, that the continued employment of a child or young person under 18 years of age shall be subject to the repetition of a medical examination at intervals of not more than one year, and that national laws or regulations shall make provision concerning additional re-examinations, and

Noting that the Convention further provides that in occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of 21 years, and that national laws or regulations shall either specify or empower an appropriate authority to specify the occupations or categories of occupations to which this requirement applies, and

Considering that, in view of the health risks inherent in employment underground in mines, international standards requiring medical examination and periodic re-examination for fitness for employment underground in mines until the age of 21 years, and specifying the nature of these examinations, are desirable, and

Having determined that these standards shall take the form of an international Convention, adopts this twenty-third day of June of the year one thousand nine hundred and sixty-five the following Convention, which may be cited as the Medical Examination of Young Persons (Underground Work) Convention, 1965:

Article 1

1. For the purpose of this Convention, the term *mine* means any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground.

2. The provisions of this Convention concerning employment or work underground in mines include employment or work underground in quarries.

Article 2

1. A thorough medical examination, and periodic re-examinations at intervals of not more than one year, for fitness for employment shall be required for the employment or work underground in mines of persons under 21 years of age.

2. Alternative arrangements for medical supervision of young persons aged between 18 and 21 years shall be permitted where the competent authority is satisfied on medical advice that such arrangements are equivalent to or more effective than those required under paragraph 1 of this Article and has consulted and reached agreement with the most representative organisations of employers and workers concerned.

Article 3

1. The medical examinations provided for in Article 2:

- (a) shall be carried out under the responsibility and supervision of a qualified physician approved by the competent authority; and
- (b) shall be certified in an appropriate manner.

2. An X-ray film of the lungs shall be required on the occasion of the initial medical examination and, when regarded as medically necessary, on the occasion of subsequent re-examinations.

3. The medical examinations required by this Convention shall not involve the young person, or his parents or guardians, in any expense.

Article 4

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. Each Member which ratifies this Convention undertakes either to maintain an appropriate inspection service for the purpose of supervising the application of the provisions of the Convention or to satisfy itself that appropriate inspection is carried out.

3. National laws or regulations shall define the persons responsible for compliance with the provisions of this Convention.

4. The employer shall keep, and make available to inspectors, records containing, in respect of persons under 21 years of age who are employed or work underground:

- (a) the date of birth, duly certified wherever possible;
- (b) an indication of the nature of their occupation; and
- (c) a certificate which attests fitness for employment but does not contain medical data.

5. The employer shall make available to the workers' representatives, at their request, the information mentioned in paragraph 4 of this Article.

Article 5

The competent authority in each country shall consult the most representative organisations of employers and workers concerned before determining general policies of implementation and before adopting regulations in pursuance of the terms of this Convention.

Medical Examination of Young Persons Recommendation, 1946 (No. 79)

Status	Adoption
Up-to-date technical instrument	Montreal, ILC 29th Session (9 Oct 1946)

The General Conference of the International Labour Organisation,
Having been convened at Montreal by the Governing Body of the International Labour Office and having met in its Twenty-ninth Session on 19 September 1946, and
Having decided upon the adoption of certain proposals with regard to the medical examination for fitness for employment of children and young persons, which is included in the third item on the agenda of the Session, and
Having adopted Conventions concerning medical examination for fitness for employment in industry and non-industrial occupations of children and young persons, and
Having decided to supplement these Conventions by a Recommendation,
adopts this ninth day of October of the year one thousand nine hundred and forty-six, the following Recommendation, which may be cited as the Medical Examination of Young Persons Recommendation, 1946:

Whereas the Medical Examination of Young Persons Conventions, 1946, lay down the basis for regulations relating to medical examination for fitness designed to protect the health of children and young persons against the risks of unsuitable employment but leave to national laws or regulations the choice of practical methods of detail; and

Whereas it is desirable, while permitting practical adaptations of the system of medical examinations so that it may be incorporated in the general administrative scheme of the various States Members, to assure reasonably uniform application of the Conventions for the purpose of maintaining at the highest possible level the protection of children and young persons which it is the aim of the Conventions to ensure; and

Whereas it is desirable to make known to all Members methods which have been found to give satisfactory results in certain countries and which may be a guide to them;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. Scope of the regulations

1. The provisions of the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946, should be applied to all occupations carried on in or in connection with the following undertakings and services, whether public or private:

- (a) commercial establishments, including delivery services;
- (b) postal and telecommunication services, including delivery services;
- (c) establishments and administrative services in which the persons employed are mainly engaged in clerical work;
- (d) newspaper undertakings (editing, distribution, delivery services and the sale of newspapers in the streets or in places to which the public have access);
- (e) hotels, boarding-houses, restaurants, clubs, cafés and other refreshment houses, and domestic service for wages in private households;
- (f) establishments for the treatment and care of the sick, infirm, or destitute and of orphans;
- (g) theatres and places of public entertainment;

- (h) itinerant trading, the hawking of objects of all kinds, and any other occupation or service carried on in the streets or in places to which the public have access;
- (i) all other jobs, occupations or services which are neither industrial nor agricultural nor maritime.

2. Without prejudice to the discretion which the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946, leaves to Members to exempt from its application employment, on work which is recognised as not being dangerous to the health of children and young persons, in family undertakings in which only parents and their children or wards are engaged, governments should, in taking into account the fact that occupations which are not generally considered hazardous may be dangerous for individuals who have not the aptitudes required for a certain job or for any job, endeavour to extend to all occupations carried on for profit, without consideration of the family relationship existing between the persons engaged in them, the application of the regulations concerning medical examination for fitness for employment.

II. Provisions concerning medical examinations

3. Without prejudice to the medical examination on entry into employment for the purpose of certifying the fitness of a child or young person for a specified occupation required by Article 2 of the said Conventions, it is desirable that all children should undergo, preferably before the end of their compulsory school attendance, a general medical examination, the results of which can be used by the vocational guidance services.

4. The thorough medical examination required on entry into employment should:

- (a) include all the clinical, radiological and laboratory tests useful for discovering fitness or unfitness for the employment in question; and
- (b) be accompanied in each case by appropriate advice on health care.

5. Periodical examination should:

- (a) be carried out in the same way as the examination on entry into a given employment; and
- (b) be accompanied by appropriate advice on health care and if necessary by supplementary vocational guidance with a view to a change of occupation.

6. (1) The findings of the examination should be entered in full on an index-card to be kept in the files of the medical services responsible for carrying out the examinations.

(2) The information entered on the medical certificate intended to come to the knowledge of the employer or the statement concerning the medical examination endorsed on the permit or workbook should be explicit enough to indicate the limitations of fitness for employment noted in the examination and the precautions which should, as a result, be taken regarding employment conditions, but should on no account include confidential information such as the diagnosis of congenital defects or diseases discovered by the examination.

7. (1) Since in most cases the adolescent stage is not ended at eighteen years of age and there is consequently still need of special protection, it is desirable to extend compulsory medical examination until at least twenty-one years for all young workers employed in industrial or non-industrial occupations.

(2) As a minimum, the degree of risk calling for the extension of medical examination until twenty-one years in accordance with Article 4 of the said Conventions should be estimated liberally; this extension should apply, in particular, to all mining occupations, to all employment in hospitals, and to such employments in public entertainment as dancing and acrobatics.

8. The provisions of the preceding paragraph should not be interpreted as impairing the obligation to apply the provisions of international Conventions or of national laws or regulations which prohibit the employment of young persons in certain occupations on account of the high health risks involved or which require, irrespective of the age of the worker, the health supervision of all those employed in such occupations.

III. Measures for persons found by medical examination to be unfit or only partially fit for employment

9. The measures to be taken by the national authority for enforcing the provisions of Article 6 of the said Conventions should include, in particular, measures for ensuring that children and young persons found by medical examination to have physical handicaps or limitations or to be generally unfit for employment:

- (a) receive proper medical treatment for removing or alleviating their handicap or limitation;
- (b) are encouraged to return to school or are guided towards suitable occupations likely to be agreeable to them and within their capacity and are provided with opportunities of training for such occupations;
- (c) have the advantage of financial aid, if necessary, during the period of medical treatment, schooling or vocational training.

10. In order to facilitate the guidance towards suitable occupations of children and young persons found to be lacking in physical resistance or to have definite handicaps, it is desirable that lists of trades and occupations suitable to each category of young deficient or handicapped workers should be drawn up by qualified specialists under the joint responsibility of the medical services and the services competent to deal with employment problems; these lists should be used as guides for examining doctors but should not be binding.

IV. Responsible authorities

11. (1) In order to ensure the full efficacy of the medical examination of young workers, measures should be taken to train a body of examining doctors who are qualified in industrial hygiene and have a wide experience of the medical problems relating to the health of children and young persons.

(2) The competent authority should ensure that courses and practical studies are organised for this purpose.

(3) Examining doctors should be selected on the basis of the qualifications indicated in subparagraph (1).

12. The system of medical examination for fitness for employment should be administered in such a way as to ensure close co-operation between the medical services responsible for carrying out the examinations and the services responsible for authorising the employment of children and young persons and for supervising their conditions of employment.

V. Methods of enforcement

13. (1) In order to ensure a regular medical examination for fitness for employment to children and young persons employed in an industrial or non-industrial undertaking either on the premises of the undertaking or in connection with its operation, employers should be required to send to a specified authority a notification of the employment of all young workers under the age-limit laid down by the regulations for the examination.

(2) This authority should be:

- (a) the official medical service responsible for carrying out the examinations and for keeping complete records of the findings of these examinations; or
- (b) the service competent to authorise the employment of a child or young person on the basis of the findings of the examination.

14. In order to ensure a regular medical examination for fitness for employment of children and young persons engaged, either on their own account or on account of their parents, in itinerant trading or any other occupation carried on in the streets or in places to which the public have access:

- (a) young itinerant workers under the age-limit up to which medical examination for fitness is compulsory should be required to obtain an individual licence, issued preferably by a service under the labour department on the basis of the certificate for fitness for employment and renewed annually on the basis of the findings of the annual re-examination; the licence should bear a

serial number and the photograph or the signature or any other means of identification of the holder and should also include information concerning:

- (i) the name, age and address of the holder;
 - (ii) the name and address of his parents and the statement that they have authorised the child or young person to engage in the occupation for which the licence is issued;
 - (iii) the findings of the medical examination on entry into employment and of subsequent re-examinations;
- (b) the holder of the above-mentioned licence should be required to wear a visible badge bearing the serial number corresponding to that of the licence;
- (c) full co-operation should be established between the labour inspection services responsible for the enforcement of legislation and local authorities, particularly the services of the preventive police, for the purpose of checking regularly the documents of young itinerant workers and for ensuring their compliance with the regulations concerning medical examination for fitness for employment.

Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 49th Session (23 June 1965)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-ninth Session on 2 June 1965, and

Noting the terms of existing international labour Conventions and Recommendations, applicable to mines, which contain provisions on the conditions of employment of young persons, and

Considering that additional standards are called for in certain respects, and

Having decided upon the adoption of certain proposals regarding the conditions of employment of young persons underground in mines, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred sixty-five, the following Recommendation, which may be cited as the Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965:

I. Definition

1. (1) For the purpose of this Recommendation, the term *mine* means any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground.

(2) The provisions of this Recommendation concerning employment or work underground in mines include employment or work underground in quarries.

II. Methods of implementation

2. Effect may be given to this Recommendation through national laws or regulations, collective agreements, arbitration awards, or court decisions or in such other manner consistent with national practice as may be appropriate under national conditions.

III. Health, safety and welfare

3. Training programmes for young persons employed or to be employed underground in mines should include practical and theoretical instruction in the health and safety hazards to which workers in mines are exposed, in hygiene and first aid, and in the precautions to be taken to safeguard health and safety. Such instruction should be provided by persons who are qualified in these fields.

4. The employer should be required to inform a young person, both when engaging him and when giving him a specific job underground, of the risks of accident and hazards to health involved in the work, of protective measures and equipment, of regulations regarding safety, and of first-aid methods. The directions should be repeated at appropriate intervals.

5. (1) Officials in charge of safety, safety delegates, safety and health committees and all other internal bodies concerned with safety and health, as well as the national inspection service, should give particular attention to measures designed to safeguard the life and health of young persons employed or working underground in mines.

(2) Such measures should include provision for the development of a practical safety programme for each mine including:

- (a) action to ensure prevention and correction of hazardous environmental and physical conditions;
- (b) appropriate means and facilities for training, inspection and accident investigation and prevention;
- (c) the initial supply and replacement after normal wear and tear, at the employers' expense, of such protective clothing and equipment as are necessary in view of the nature of the work and the conditions in which it is performed, the young persons being required to use the clothing and equipment supplied; and
- (d) any other measures for the safety and health of young persons.

6. With a view to keeping young persons employed or working underground in mines in good health and to promoting their normal physical development, measures should be taken which aim, in particular, at:

- (a) encouraging recreational activities, including sports;
- (b) ensuring that changing-rooms and showers meeting approved hygiene standards are made available, changing-rooms and showers separate from those for adults being, where possible, reserved for persons under 18 years of age; and
- (c) ensuring that, if circumstances so require, young persons have at their disposal such additional food and such feeding facilities as would enable them to secure a diet suitable to their stage of development.

IV. Weekly rest and annual holidays with pay

7. Persons under 18 years of age employed or working underground in mines should be entitled to an uninterrupted weekly rest which should not be less than 36 hours in the course of each period of seven days.

8. The weekly rest period should be progressively extended, with a view to attaining at least 48 hours.

9. The weekly rest period should include the day of the week established as a day of rest by the traditions or customs of the country or district.

10. Persons under 18 years of age employed or working underground in mines should not be employed on any work during the weekly rest period.

11. (1) Persons under 18 years of age employed or working underground in mines should receive an annual holiday with pay of not less than 24 working days (corresponding to four working weeks) for 12 months of service.

(2) Public and customary holidays and interruptions of attendance at work due to sickness should not be included in the annual holiday with pay.

12. (1) The employer should be required to keep, and make available to inspectors, records indicating in respect of persons under 18 years of age employed or working underground:

- (a) the date of birth, duly certified wherever possible;
- (b) the periods of weekly rest; and
- (c) the periods of holidays with pay.

(2) The employer should make available to the workers' representatives, at their request, the information mentioned in subparagraph (1) of this Paragraph.

V. Training

13. In line with the principles set forth in the Vocational Training Recommendation, 1962, the competent authorities should take the necessary measures to ensure that young persons employed or to be employed underground in mines:

- (a) receive systematic vocational training, through apprenticeship or other forms of training appropriate in the national circumstances, in order to ensure adequate preparation for the particular type of work in which they are to be engaged;
- (b) enjoy suitable opportunities for further technical training enabling them to develop their occupational capacities without detriment to their health and welfare, account being taken of national circumstances; and
- (c) are provided with suitable opportunities for further education and training above ground with a view to ensuring their future adaptation to technological change in the mining industry and to developing their human capacities.

VI. Consultation

14. The competent authority in each country should consult the most representative organisations of employers and workers concerned before determining general policies of implementation and before adopting regulations in pursuance of the terms of this Recommendation.

Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 16th Session (30 Apr 1932)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the age for admission of children to employment in non-industrial occupations, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation, adopts this thirtieth day of April of the year one thousand nine hundred thirty-two, the following Recommendation, which may be cited as the Minimum Age (Non-Industrial Employment) Recommendation, 1932, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

The Conference,

Having adopted a Convention concerning the age for admission of children to non-industrial employment, with a view to completing the international regulations laid down by the three Conventions adopted at previous Sessions concerning the age for admission of children to industrial employment, employment at sea and employment in agriculture; and

Desiring to ensure as uniform application as possible of the new Convention which leaves certain details of application to national laws or regulations;

Considers that, in spite of the variety of employments covered by the Convention and the need of making allowance for the adoption of practical methods of application varying with the climate, customs, national tradition and other conditions peculiar to individual countries, account should be taken of certain methods which have been found to give satisfactory results, and which may accordingly be a guide to the Members of the Organisation.

The Conference therefore recommends the Members to take the following rules and methods into consideration:

I. Light work

1. In order that children may derive full benefit from their education and that their physical, intellectual and moral development may be safeguarded, it is desirable that so long as they are required to attend school their employment should be restricted to as great an extent as possible.

2. In determining the categories of employment in light work to which children may be admitted outside the hours of school attendance, such occupations and employments as running errands, distribution of newspapers, odd jobs in connection with the practice of sport or the playing of games, and picking and selling flowers or fruits might be taken into consideration.

3. For the admission of children to employment in light work the competent authorities should require the consent of parents or guardians, a medical certificate of physical fitness for the employment contemplated, and, where necessary, previous consultation with the school authorities.

4. The limitations on the hours of work per day of children employed in light work outside school hours should be adapted to the school time-table on the one hand, and to the age of the child on the other. Where instruction is given both in the morning and in the afternoon, the child should be ensured a sufficient rest before morning school, in the interval between morning and afternoon school, and immediately after the latter.

II. Employment in public entertainments

5. Employment in any public entertainment, or as actors or supernumeraries in the making of cinematographic films, should in principle be prohibited for children under twelve years of age, and exceptions to this rule should be kept within the narrowest limits and only allowed in so far as the interests of art, science or education may require.

The permits to be granted by the competent authorities in individual cases should only be issued if the competent authorities are satisfied as to the nature and the particular type of the employment contemplated, if the parents' or guardians' consent has been obtained, and if the physical fitness of the child for the employment has been established. In the case of cinematographic films, measures should be taken to ensure that the children employed shall be under the supervision of a medical eye specialist. The child should also be assured of receiving good treatment and of being able to continue his education.

Each permit should specify the number of hours during which the child may be employed, with special regard to night work and work on Sundays and legal public holidays. It should be delivered for a particular entertainment, or for a limited period, and may be renewed.

III. Dangerous employments

6. The competent authorities should consult the principal organisations of employers and workers concerned before determining the employments which are dangerous to the life, health or morals of the persons employed, and before fixing the higher age or ages of admission to be prescribed for such employments by national laws or regulations.

Among employments of the kind referred to might be included, for example, certain employments in public entertainments such as acrobatic performances; in establishments for the cure of the sick such as employment involving danger of contagion or infection; and in establishments for the sale of alcoholic liquor such as serving customers.

Different ages for particular employments should be fixed in relation to their special dangers and in some cases the age required for girls might be higher than the age for boys.

IV. Prohibition of employment of children by certain persons

7. With a view to safeguarding the moral interests of children persons who have been condemned for certain serious offences or who are notorious drunkards should be prohibited from employing children other than their own, even if such children live in the same household with these persons.

V. Enforcement

8. In order to facilitate the enforcement of the provisions of the Convention, it is desirable to institute a public system of registration and of employment or identity books for children admitted to employment.

These documents should contain, in particular, indications of the age of the child, the nature of his employment, the number of hours of work authorised, and the dates when the child began and finished his employment.

In the case of street trading the wearing of special badges should be prescribed.

In the case of children employed in public entertainments, supervising or inspecting officials should have the right of access to premises in which such entertainments are prepared or performed.

Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 23rd Session (22 June 1937)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment, which is the sixth item on the agenda of the Session, and

Having adopted a Convention revising the said Convention and having decided to supplement the revised Convention by a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred thirty-seven, the following Recommendation, which may be cited as the Minimum Age (Family Undertakings) Recommendation, 1937:

Whereas the Minimum Age (Industry) Convention (Revised), 1937, while restricting the scope of the exception for family undertakings contained in the 1919 Convention, still permits such undertakings to be excluded from its scope except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein; and

Whereas it is reasonable to hope that it will be possible to suppress this exception completely in the not distant future;

The Conference recommends that the Members of the Organisation should make every effort to apply their legislation relating to the minimum age of admission to all industrial undertakings, including family undertakings.

Night Work of Young Persons (Industry) Convention, 1919 (No. 6)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	13 June 1921	Washington, ILC 1st Session (28 Nov 1919)	59 Denounced: 9

The General Conference of the International Labour Organisation,

Having been convened by the Government of the United States of America at Washington, on the 29 October 1919, and

Having decided upon the adoption of certain proposals with regard to the “employment of children: during the night”, which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Night Work of Young Persons (Industry) Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term *industrial undertaking* includes particularly:

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

2. Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night:

- (a) manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process);
- (b) glass works;
- (c) manufacture of paper;
- (d) manufacture of raw sugar;
- (e) gold mining reduction work.

Article 3

1. For the purpose of this Convention, the term *night* signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

3. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

4. In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

Article 4

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 5

In the application of this Convention to Japan, until 1 July 1925, Article 2 shall apply only to young persons under fifteen years of age and thereafter it shall apply only to young persons under sixteen years of age.

Article 6

In the application of this Convention to India, the term "industrial undertaking" shall include only "factories" as defined in the Indian Factory Act, and Article 2 shall not apply to male young persons over fourteen years of age.

Article 7

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	29 Dec 1950	Montreal, ILC 29th Session (9 Oct 1946)	20

The General Conference of the International Labour Organisation,
Having been convened at Montreal by the Governing Body of the International Labour Office and having met in its Twenty-ninth Session on 19 September 1946, and
Having decided upon the adoption of certain proposals with regard to the restriction of night work of children and young persons in non-industrial occupations, which is included in the third item on the agenda of the Session, and
Having determined that these proposals shall take the form of an international Convention, adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946:

Part I. General provisions

Article 1

1. This Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, in non-industrial occupations.
2. For the purpose of this Convention, the term *non-industrial occupation* includes all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations.
3. The competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.
4. National laws or regulations may exempt from the application of this Convention:
 - (a) domestic service in private households; and
 - (b) employment, on work which is not deemed to be harmful, prejudicial, or dangerous to children or young persons, in family undertakings in which only parents and their children or wards are employed.

Article 2

1. Children under fourteen years of age who are admissible for full-time or part-time employment and children over fourteen years of age who are still subject to full-time compulsory school attendance shall not be employed nor work at night during a period of at least fourteen consecutive hours, including the interval between eight o'clock in the evening and eight o'clock in the morning.
2. Provided that national laws or regulations may, where local conditions so require, substitute another interval of twelve hours of which the beginning shall not be fixed later than eight thirty o'clock in the evening nor the termination earlier than six o'clock in the morning.

Article 3

1. Children over fourteen years of age who are no longer subject to full-time compulsory school attendance and young persons under eighteen years of age shall not be employed nor

work at night during a period of at least twelve consecutive hours, including the interval between ten o'clock in the evening and six o'clock in the morning.

2. Provided that, where there are exceptional circumstances affecting a particular branch of activity or a particular area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of children and young persons employed in that branch of activity or area, the interval between eleven o'clock in the evening and seven o'clock in the morning may be substituted for that between ten o'clock in the evening and six o'clock in the morning.

Article 4

1. In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

2. The prohibition of night work may be suspended by the Government for young persons of sixteen years of age and over when in case of serious emergency the national interest demands it.

3. National laws or regulations may empower an appropriate authority to grant temporary individual licences in order to enable young persons of sixteen years of age and over to work at night when the special needs of vocational training so require, subject to the period of rest being not less than eleven consecutive hours in every period of twenty-four hours.

Article 5

1. National laws or regulations may empower an appropriate authority to grant individual licences in order to enable children or young persons under the age of eighteen years to appear at night as performers in public entertainments or to participate at night as performers in the making of cinematographic films.

2. The minimum age at which such a licence may be granted shall be prescribed by national laws or regulations.

3. No such licence may be granted when, because of the nature of the entertainment or the circumstances in which it is carried on, or the nature of the cinematographic film or the conditions under which it is made, participation in the entertainment or in the making of the film may be dangerous to the life, health, or morals of the child or young person.

4. The following conditions shall apply to the granting of licences:

- (a) the period of employment shall not continue after midnight;
- (b) strict safeguards shall be prescribed to protect the health and morals, and to ensure kind treatment of, the child or young person and to avoid interference with his education;
- (c) the child or young person shall be allowed a consecutive rest period of at least fourteen hours.

Article 6

1. In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall:

- (a) provide for a system of public inspection and supervision adequate for the particular needs of the various branches of activity to which the Convention applies;
- (b) require every employer to keep a register, or to keep available official records, showing the names and dates of birth of all persons under eighteen years of age employed by him and their hours of work; in the case of children and young persons working in the streets or in places to which the public have access, the register or records shall show the hours of service agreed upon in the contract of employment;

- (c) provide suitable means for assuring identification and supervision of persons under eighteen years of age engaged, on account of an employer or on their own account, in employment or occupations carried on in the streets or in places to which the public have access;
- (d) provide penalties applicable to employers or other responsible adults for breaches of such laws or regulations.

2. There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention and, more particularly, concerning:

- (a) any interval which may be substituted for the interval prescribed in paragraph 1 of Article 2 in virtue of the provisions of paragraph 2 of that Article;
- (b) the extent to which advantage is taken of the provisions of paragraph 2 of Article 3;
- (c) the authorities empowered to grant individual licences in virtue of the provisions of paragraph 1 of Article 5 and the minimum age prescribed for the granting of licences in accordance with the provisions of paragraph 2 of the said Article.

Part II. Special provisions for certain countries

Article 7

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations restricting the night work of children and young persons in non-industrial occupations may, by a declaration accompanying its ratification, substitute an age limit lower than eighteen years, but in no case lower than sixteen years, for the age limit prescribed in Article 3.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Article 8

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in the present Article:

- (a) the said provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them;
- (b) the competent authority may exempt from the application of the Convention children and young persons employed in undertakings employing less than twenty persons;
- (c) Article 2 of the Convention shall apply to children under twelve years of age who are admissible for full-time or part-time employment and to children over twelve years of age who are subject to full-time compulsory school attendance;
- (d) Article 3 of the Convention shall apply to children over twelve years of age who are not subject to full-time compulsory school attendance and to young persons under fifteen years of age;
- (e) the exceptions permitted by paragraph 2 and 3 of Article 4 shall apply to young persons of fourteen years of age and over;
- (f) Article 5 shall apply to children and young persons under fifteen years of age.

2. The provisions of paragraph 1 of this Article shall be subject to amendment by the following procedure:

- (a) the International Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to paragraph 1 of this Article;
- (b) any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration;
- (d) any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

Part III. Final articles

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80)

Status	Adoption
Technical instrument to be revised	Montreal, ILC 29th Session (9 Oct 1946)

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the restriction of night work of children and young persons in non-industrial occupations, which is included in the third item on the agenda of the Session, and

Having adopted a Convention on this subject and having decided to supplement this Convention by a Recommendation,

adopts this ninth day of October of the year one thousand nine hundred and forty-six, the following Recommendation, which may be cited as the Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946:

Whereas the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, lays down the basis for legislative protection against the dangers of night work in non-industrial occupations in which large numbers of young workers are engaged;

Whereas although, on account of the great diversity of employments to which its provisions apply and on account of the different traditions and circumstances peculiar to each country, the Convention leaves it to national laws and regulations to adapt for each given country the implementation of the standards laid down therein, it is nevertheless desirable to ensure as uniform application as possible of the Convention; and

Whereas it is desirable that account should be taken of certain methods which have been found to give satisfactory results and which may accordingly be a guide to the Members of the Organisation;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto:

I. Scope of the regulations

1. The provisions of the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, should be applied to all occupations which are carried on in or in connection with the following undertakings or services, whether public or private:

- (a) commercial establishments, including delivery services;
- (b) postal and telecommunication services, including delivery services;
- (c) establishments and administrative services in which the persons employed are mainly engaged in clerical work;
- (d) newspaper undertakings (editing, distribution, delivery services and the sale of newspapers in the streets or in places to which the public have access);
- (e) hotels, boarding-houses, restaurants, clubs, cafés and other refreshment houses;
- (f) establishments for the treatment and care of the sick, infirm or destitute and of orphans;
- (g) theatres and places of public entertainment;
- (h) itinerant trading, the hawking of objects of all kinds, and any other occupation or service carried on in the streets or in places to which the public have access;
- (i) all other jobs, occupations or services which are neither industrial nor agricultural nor maritime.

2. Without prejudice to the discretion which the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, leaves to Members to exempt from its application domestic service carried on for wages or earnings in a private household and employment on work which is not deemed to be harmful, prejudicial or dangerous to children or young persons in family undertakings in which only parents and their children or wards are engaged, the attention of Members is drawn to the desirability of:

- (a) adopting appropriate legislative and administrative measures for restricting the night work of children and young persons under eighteen years of age who are engaged in domestic service;
- (b) extending to all undertakings carried on for profit, without consideration of the family relationship existing between the persons engaged in them, the application of the regulations concerning the restriction of night work in non-industrial occupations.

II. Employment in public entertainment

3. Where local authorities are empowered, in virtue of the provisions of Article 5 of the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, to grant individual licences to children and young persons allowing them to appear at night as performers in public entertainments or to participate at night as performers in the making of cinematographic films, supervisory control over the issuing of such licences should be vested in a higher authority to which the persons concerned may appeal either against the refusal of the licence or against any of the conditions imposed therein.

4. Licences should be issued for limited periods and should be subject to all the conditions necessary in the circumstances of each case for the protection of the child or young person.

5. Licences should be granted for children under fourteen years of age only in exceptional cases in which they are justified by the need of vocational training or the talent of the child and should be subject to the following conditions:

- (a) such licences should be restricted as a rule to children who are attending institutions for dramatic or musical instruction;
- (b) employment at night should be limited as far as possible to three evenings a week or to an average of three evenings a week calculated over a longer period;
- (c) employment should cease by ten o'clock in the evening or a rest period of sixteen consecutive hours should be granted.

III. Methods of supervision

6. While respecting the principle laid down in paragraph 12 of the Labour Inspection Recommendation, 1923, according to which the inspectorate should include men and women having the same powers and duties and exercising the same authority, it is desirable to take into account the experience of certain countries which have found it particularly satisfactory to entrust to women inspectors the enforcement of laws and regulations for the protection of young workers.

7. In addition to regular inspection to ensure compliance with the laws and regulations for the protection of young workers, special attention should be given, in order to achieve effective application of the provisions of the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, as regards non-industrial activities carried on in a great number of small and scattered undertakings, to the investigation of alleged violations of the law reported by the public, and more particularly immediate action should be taken upon complaints lodged by the parents of the child or young person.

8. When deciding on the form of document which the employer shall be required by law to keep for the purpose of furnishing the inspection services with the means of supervising the enforcement of the regulations restricting night work, it is desirable to take into consideration the advantages of the work permit or the workbook which, as they must be issued or officially stamped on each change of employment, make it easy to identify the young worker, provide proof of age and fix his conditions of work, including working hours.

9. (1) In order to facilitate the identification by official supervisory services of young itinerant workers protected by the laws or regulations concerning night work:

- (a) young itinerant workers working for wages should carry on their person a document and a badge which will permit their identification outside the undertaking, in addition to the documents kept by the employer;
- (b) young itinerant workers working on their own account or on account of their parents should carry on their person a document authorising their employment and a badge which will permit their identification.

(2) Young itinerant workers under eighteen years of age should be provided with a work permit or an individual licence containing:

- (a) the name, age and address of the child or young person;
- (b) the photograph or signature of the child or young person or other means of identification and his permit or licence number;
- (c) if the child or young person is employed for wages, the name and address of the employer and his hours of work; and
- (d) if the child or young person is working on his own account or on account of his parents, the name and address of his parents and their authorisation.

(3) It is desirable that the work permit or individual licence should be issued by a service under the labour department.

(4) A young itinerant worker should be obliged to wear the badge which bears his permit or licence number so that it will be readily visible.

(5) The full co-operation of local authorities, and particularly that of the preventive police, if such exists, of educational authorities and of child welfare authorities, with inspection services, should be obtained in order to ensure supervision of the working hours of young itinerant workers and the enforcement of the laws and regulations relating to night work.

(6) The employer should be held legally responsible for violations of the laws or regulations, and in particular for any disproportion between the volume of work to be required and the time available for its performance during permitted working hours; the employer should be given the opportunity to vindicate his good faith if he exercised all due diligence to prevent the violation.

(7) Parents should, after previous warning, be held legally responsible for violations of the laws or regulations when the occupation is carried on their account or with their authorisation.

Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	12 June 1951	San Francisco, ILC 31st Session (10 July 1948)	51

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work of Young Persons (Industry) Convention, 1919, adopted by the Conference at its First Session, which is the tenth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention, adopts this tenth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work of Young Persons (Industry) Convention (Revised), 1948:

Part I. General provisions

Article 1

1. For the purpose of this Convention, the term *industrial undertaking* includes particularly:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
- (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;
- (d) undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

3. National laws or regulations may exempt from the application of this Convention employment on work which is not deemed to be harmful, prejudicial, or dangerous to young persons in family undertakings in which only parents and their children or wards are employed.

Article 2

1. For the purpose of this Convention the term *night* signifies a period of at least twelve consecutive hours.

2. In the case of young persons under sixteen years of age, this period shall include the interval between ten o'clock in the evening and six o'clock in the morning.

3. In the case of young persons who have attained the age of sixteen years but are under the age of eighteen years, this period shall include an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

1. Young persons under eighteen years of age shall not be employed or work during the night in any public or private industrial undertaking or in any branch thereof except as hereinafter provided for.

2. For purposes of apprenticeship or vocational training in specified industries or occupations which are required to be carried on continuously, the competent authority may, after consultation with the employers' and workers' organisations concerned, authorise the employment in night work of young persons who have attained the age of sixteen years but are under the age of eighteen years.

3. Young persons employed in night work in virtue of the preceding paragraph shall be granted a rest period of at least thirteen consecutive hours between two working periods.

4. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may, for purposes of apprenticeship or vocational training of young persons who have attained the age of sixteen years, be substituted by the competent authority for the interval of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning prescribed by the authority in virtue of paragraph 3 of Article 2.

Article 4

1. In countries where the climate renders work by day particularly trying, the night period and barred interval may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

2. The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 5

The prohibition of night work may be suspended by the government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

Article 6

1. The laws or regulations giving effect to the provisions of this Convention shall:
- (a) make appropriate provision for ensuring that they are known to the persons concerned;
 - (b) define the persons responsible for compliance therewith;
 - (c) prescribe adequate penalties for any violation thereof;

- (d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement; and
- (e) require every employer in a public or private industrial undertaking to keep a register, or to keep available official records, showing the names and dates of birth of all persons under eighteen years of age employed by him and such other pertinent information as may be required by the competent authority.

2. The annual reports submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall contain full information concerning such laws and regulations and a general survey of the results of the inspections made in accordance therewith.

Part II. Special provisions for certain countries

Article 7

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had laws or regulations restricting the night work of young persons in industry which provide for an age-limit lower than eighteen years may, by a declaration accompanying its ratification, substitute an age-limit lower than eighteen years, but in no case lower than sixteen years, for the age-limit prescribed in paragraph 1 of Article 3.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Article 8

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.

3. The term industrial undertaking shall include:

- (a) factories as defined in the Indian Factories Act;
- (b) mines to which the Indian Mines Act applies;
- (c) railways and ports.

4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.

5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.

7. Article 3, paragraphs 2, 3 and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

8. Article 6, paragraph 1 (e), shall apply to young persons under the age of seventeen years.

Article 9

1. The provision of Part I of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.
2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.
3. The term industrial undertaking shall include:
 - (a) factories as defined in the Factories Act;
 - (b) mines to which the Mines Act applies;
 - (c) railways and ports.
4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.
5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.
6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.
7. Article 3, paragraphs 2, 3 and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.
8. Article 6, paragraph 1 (e), shall apply to young persons under the age of seventeen years.

Article 10

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.
2. Any such draft amendment shall state the Member or Members to which it applies and shall, within the period of one year or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.
3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.
4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14)

Status	Adoption
Technical instrument to be revised	Geneva, ILC 3rd Session (15 Nov 1921)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the employment of children and young persons in agriculture during the night, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Night Work of Children and Young Persons (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

The General Conference of the International Labour Organisation recommends:

I

That each Member of the International Labour Organisation take steps to regulate the employment of children under the age of fourteen years in agricultural undertakings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than ten consecutive hours.

II

That each Member of the International Labour Organisation take steps to regulate the employment of young persons between the ages of fourteen and eighteen years in agricultural undertakings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

Equality of opportunity and treatment

D

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1. Fundamental Conventions on equality of opportunity and treatment (and related Recommendations)

Equal Remuneration Convention, 1951 (No. 100)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	23 May 1953	Geneva, ILC 34th Session (29 June 1951)	171

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and
 Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-ninth day of June of the year one thousand nine hundred and fifty-one the following Convention, which may be cited as the Equal Remuneration Convention, 1951:

Article 1

For the purpose of this Convention:

- (a) the term **remuneration** includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;
- (b) the term **equal remuneration for men and women workers for work of equal value** refers to rates of remuneration established without discrimination based on sex.

Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

2. This principle may be applied by means of:

- (a) national laws or regulations;
- (b) legally established or recognised machinery for wage determination;
- (c) collective agreements between employers and workers; or
- (d) a combination of these various means.

Article 3

1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.

2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.

3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

Article 4

Each Member shall co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Convention.

Equal Remuneration Recommendation, 1951 (No. 90)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 34th Session (29 June 1951)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, supplementing the Equal Remuneration Convention, 1951,

adopts this twenty-ninth day of June of the year one thousand nine hundred and fifty-one, the following Recommendation, which may be cited as the Equal Remuneration Recommendation, 1951:

Whereas the Equal Remuneration Convention, 1951, lays down certain general principles concerning equal remuneration for men and women workers for work of equal value;

Whereas the Convention provides that the application of the principle of equal remuneration for men and women workers for work of equal value shall be promoted or ensured by means appropriate to the methods in operation for determining rates of remuneration in the countries concerned;

Whereas it is desirable to indicate certain procedures for the progressive application of the principles laid down in the Convention;

Whereas it is at the same time desirable that all Members should, in applying these principles, have regard to methods of application which have been found satisfactory in certain countries;

The Conference recommends that each Member should, subject to the provisions of Article 2 of the Convention, apply the following provisions and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto:

1. Appropriate action should be taken, after consultation with the workers' organisations concerned or, where such organisations do not exist, with the workers concerned:

- (a) to ensure the application of the principle of equal remuneration for men and women workers for work of equal value to all employees of central Government departments or agencies; and
- (b) to encourage the application of the principle to employees of State, provincial or local Government departments or agencies, where these have jurisdiction over rates of remuneration.

2. Appropriate action should be taken, after consultation with the employers' and workers' organisations concerned, to ensure, as rapidly as practicable, the application of the principle of equal remuneration for men and women workers for work of equal value in all occupations, other than

those mentioned in Paragraph 1, in which rates of remuneration are subject to statutory regulation or public control, particularly as regards:

- (a) the establishment of minimum or other wage rates in industries and services where such rates are determined under public authority;
- (b) industries and undertakings operated under public ownership or control; and
- (c) where appropriate, work executed under the terms of public contracts.

3. (1) Where appropriate in the light of the methods in operation for the determination of rates of remuneration, provision should be made by legal enactment for the general application of the principle of equal remuneration for men and women workers for work of equal value.

(2) The competent public authority should take all necessary and appropriate measures to ensure that employers and workers are fully informed as to such legal requirements and, where appropriate, advised on their application.

4. When, after consultation with the organisations of workers and employers concerned, where such exist, it is not deemed feasible to implement immediately the principle of equal remuneration for men and women workers for work of equal value, in respect of employment covered by Paragraph 1, 2 or 3, appropriate provision should be made or caused to be made, as soon as possible, for its progressive application, by such measures as:

- (a) decreasing the differentials between rates of remuneration for men and rates of remuneration for women for work of equal value;
- (b) where a system of increments is in force, providing equal increments for men and women workers performing work of equal value.

5. Where appropriate for the purpose of facilitating the determination of rates or remuneration in accordance with the principle of equal remuneration for men and women workers for work of equal value, each Member should, in agreement with the employers' and workers' organisations concerned, establish or encourage the establishment of methods for objective appraisal of the work to be performed, whether by job analysis or by other procedures, with a view to providing a classification of jobs without regard to sex; such methods should be applied in accordance with the provisions of Article 2 of the Convention.

6. In order to facilitate the application of the principle of equal remuneration for men and women workers for work of equal value, appropriate action should be taken, where necessary, to raise the productive efficiency of women workers by such measures as:

- (a) ensuring that workers of both sexes have equal or equivalent facilities for vocational guidance or employment counselling, for vocational training and for placement;
- (b) taking appropriate measures to encourage women to use facilities for vocational guidance or employment counselling, for vocational training and for placement;
- (c) providing welfare and social services which meet the needs of women workers, particularly those with family responsibilities, and financing such services from general public funds or from social security or industrial welfare funds financed by payments made in respect of workers without regard to sex; and
- (d) promoting equality of men and women workers as regards access to occupations and posts without prejudice to the provisions of international regulations and of national laws and regulations concerning the protection of the health and welfare of women.

7. Every effort should be made to promote public understanding of the grounds on which it is considered that the principle of equal remuneration for men and women workers for work of equal value should be implemented.

8. Such investigations as may be desirable to promote the application of the principle should be undertaken.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date fundamental instrument	15 June 1960	Geneva, ILC 42nd Session (25 June 1958)	172

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights,

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

Article 1

1. For the purpose of this Convention the term *discrimination* includes:
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms *employment* and *occupation* include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice:

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

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

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 42nd Session (25 June 1958)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Forty-second Session on 4 June 1958, and
Having decided upon the adoption of certain proposals with regard to discrimination in the field
of employment and occupation, which is the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation supplementing
the Discrimination (Employment and Occupation) Convention, 1958,
adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight, the
following Recommendation, which may be cited as the Discrimination (Employment and
Occupation) Recommendation, 1958:

The Conference recommends that each Member should apply the following provisions:

I. Definitions

1. (1) For the purpose of this Recommendation the term *discrimination* includes:
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
- (2) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof is not deemed to be discrimination.
- (3) For the purpose of this Recommendation the terms *employment* and *occupation* include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

II. Formulation and application of policy

2. Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers' and workers' organisations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:
 - (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;
 - (b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of:
 - (i) access to vocational guidance and placement services;
 - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
 - (iii) advancement in accordance with their individual character, experience, ability and diligence;
 - (iv) security of tenure of employment;

- (v) remuneration for work of equal value;
- (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (c) government agencies should apply non-discriminatory employment policies in all their activities;
- (d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;
- (e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;
- (f) employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

3. Each Member should:

- (a) ensure application of the principles of non-discrimination:
 - (i) in respect of employment under the direct control of a national authority;
 - (ii) in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (b) promote their observance, where practicable and necessary, in respect of other employment and other vocational guidance, vocational training and placement services by such methods as:
 - (i) encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles;
 - (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
 - (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles.

4. Appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment, and in particular:

- (a) to take all practicable measures to foster public understanding and acceptance of the principles of non-discrimination;
- (b) to receive, examine and investigate complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy; and
- (c) to consider further any complaints which cannot be effectively settled by conciliation and to render opinions or issue decisions concerning the manner in which discriminatory practices revealed should be corrected.

5. Each Member should repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy.

6. Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance.

7. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.

8. With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949, relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment.

9. There should be continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

III. Co-ordination of measures for the prevention of discrimination in all fields

10. The authorities responsible for action against discrimination in employment and occupation should co-operate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be co-ordinated.

2. Workers with family responsibilities¹

Workers with Family Responsibilities Convention, 1981 (No. 156)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 Aug 1983	Geneva, ILC 67th Session (23 June 1981)	43

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-seventh Session on 3 June 1981, and

Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that “all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, and

Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and

Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and

Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and

1. Replaced recommendation: Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123)

Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and

Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are “ aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women”, and

Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and

Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and

Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities and recognising the need to improve the conditions of the latter both by measures responding to their special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Workers with Family Responsibilities Convention, 1981:

Article 1

1. This Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

2. The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

3. For the purposes of this Convention, the terms dependent child and other member of the immediate family who clearly needs care or support mean persons defined as such in each country by one of the means referred to in Article 9 of this Convention.

4. The workers covered by virtue of paragraphs 1 and 2 of this Article are hereinafter referred to as *workers with family responsibilities* .

Article 2

This Convention applies to all branches of economic activity and all categories of workers.

Article 3

1. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with

family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

2. For the purposes of paragraph 1 of this Article, the term *discrimination* means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

Article 4

With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken:

- (a) to enable workers with family responsibilities to exercise their right to free choice of employment; and
- (b) to take account of their needs in terms and conditions of employment and in social security.

Article 5

All measures compatible with national conditions and possibilities shall further be taken:

- (a) to take account of the needs of workers with family responsibilities in community planning; and
- (b) to develop or promote community services, public or private, such as child-care and family services and facilities.

Article 6

The competent authorities and bodies in each country shall take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

Article 7

All measures compatible with national conditions and possibilities, including measures in the field of vocational guidance and training, shall be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

Article 8

Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 9

The provisions of this Convention may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

Article 10

1. The provisions of this Convention may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken shall apply in any case to all the workers covered by Article 1, paragraph 1.

2. Each Member which ratifies this Convention shall indicate in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation in what respect, if any, it intends to make use of the faculty given by paragraph 1 of this Article, and shall state in subsequent reports the extent to which effect has been given or is proposed to be given to the Convention in that respect.

Article 11

Employers' and workers' organisations shall have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Convention.

Workers with Family Responsibilities Recommendation, 1981 (No. 165)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 67th Session (23 June 1981)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-seventh Session on 3 June 1981, and
 Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and
 Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and
 Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and
 Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and
 Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and
 Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women, and
 Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and
 Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and

Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities and recognising the need to improve the conditions of the latter both by measures responding to their special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one, the following Recommendation, which may be cited as the Workers with Family Responsibilities Recommendation, 1981:

I. Definition, scope and means of implementation

1. (1) This Recommendation applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

(2) The provision of this Recommendation should also be applied to men and women workers with responsibilities in relation to other members of their immediate family who need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating or advancing in economic activity.

(3) For the purposes of this Recommendation, the terms *dependent child* and *other member of the immediate family who needs care or support* mean persons defined as such in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(4) The workers covered by virtue of subparagraphs (1) and (2) of this Paragraph are hereinafter referred to as workers with family responsibilities.

2. This Recommendation applies to all branches of economic activity and all categories of workers.

3. The provisions of this Recommendation may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

4. The provisions of this Recommendation may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken should apply in any case to all the workers covered by Paragraph 1, subparagraph (1).

5. Employers' and workers' organisations should have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Recommendation.

II. National policy

6. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member should make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

7. Within the framework of a national policy to promote equality of opportunity and treatment for men and women workers, measures should be adopted and applied with a view to preventing direct or indirect discrimination on the basis of marital status or family responsibilities.

8. (1) For the purposes of Paragraphs 6 and 7 above, the term *discrimination* means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

(2) During a transitional period special measures aimed at achieving effective equality between men and women workers should not be regarded as discriminatory.

9. With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities should be taken:

- (a) to enable workers with family responsibilities to exercise their right to vocational training and to free choice of employment;
- (b) to take account of their needs in terms and conditions of employment and in social security; and
- (c) to develop or promote child-care, family and other community services, public or private, responding to their needs.

10. The competent authorities and bodies in each country should take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

11. The competent authorities and bodies in each country should take appropriate measures:

- (a) to undertake or promote such research as may be necessary into the various aspects of the employment of workers with family responsibilities with a view to providing objective information on which sound policies and measures may be based; and
- (b) to promote such education as will encourage the sharing of family responsibilities between men and women and enable workers with family responsibilities better to meet their employment and family responsibilities.

III. Training and employment

12. All measures compatible with national conditions and possibilities should be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

13. In accordance with national policy and practice, vocational training facilities and, where possible, paid educational leave arrangements to use such facilities should be made available to workers with family responsibilities.

14. Such services as may be necessary to enable workers with family responsibilities to enter or re-enter employment should be available, within the framework of existing services for all workers or, in default thereof, along lines appropriate to national conditions; they should include, free of charge to the workers, vocational guidance, counselling, information and placement services which are staffed by suitably trained personnel and are able to respond adequately to the special needs of workers with family responsibilities.

15. Workers with family responsibilities should enjoy equality of opportunity and treatment with other workers in relation to preparation for employment, access to employment, advancement within employment and employment security.

16. Marital status, family situation or family responsibilities should not, as such, constitute valid reasons for refusal or termination of employment.

IV. Terms and conditions of employment

17. All measures compatible with national conditions and possibilities and with the legitimate interests of other workers should be taken to ensure that terms and conditions of employment are such as to enable workers with family responsibilities to reconcile their employment and family responsibilities.

18. Particular attention should be given to general measures for improving working conditions and the quality of working life, including measures aiming at:

- (a) the progressive reduction of daily hours of work and the reduction of overtime, and
- (b) more flexible arrangements as regards working schedules, rest periods and holidays, account being taken of the stage of development and the particular needs of the country and of different sectors of activity.

19. Whenever practicable and appropriate, the special needs of workers, including those arising from family responsibilities, should be taken into account in shift-work arrangements and assignments to night work.

20. Family responsibilities and considerations such as the place of employment of the spouse and the possibilities of educating children should be taken into account when transferring workers from one locality to another.

21. (1) With a view to protecting part-time workers, temporary workers and homeworkers, many of whom have family responsibilities, the terms and conditions on which these types of employment are performed should be adequately regulated and supervised.

(2) The terms and conditions of employment, including social security coverage, of part-time workers and temporary workers should be, to the extent possible, equivalent to those of full-time and permanent workers respectively; in appropriate cases, their entitlement may be calculated on a pro rata basis. (3) Part-time workers should be given the option to obtain or return to full-time employment when a vacancy exists and when the circumstances which determined assignment to part-time employment no longer exist.

22. (1) Either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave), without relinquishing employment and with rights resulting from employment being safeguarded.

(2) The length of the period following maternity leave and the duration and conditions of the leave of absence referred to in subparagraph (1) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(3) The leave of absence referred to in subparagraph (1) of this Paragraph may be introduced gradually.

23. (1) It should be possible for a worker, man or woman, with family responsibilities in relation to a dependent child to obtain leave of absence in the case of its illness.

(2) It should be possible for a worker with family responsibilities to obtain leave of absence in the case of the illness of another member of the worker's immediate family who needs that worker's care or support.

(3) The duration and conditions of the leave of absence referred to in subparagraphs (1) and (2) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

V. Child-care and family services and facilities

24. With a view to determining the scope and character of the child-care and family services and facilities needed to assist workers with family responsibilities to meet their employment and family responsibilities, the competent authorities should, in co-operation with the public and private organisations concerned, in particular employers' and workers' organisations, and within the scope of their resources for collecting information, take such measures as may be necessary and appropriate:

- (a) to collect and publish adequate statistics on the number of workers with family responsibilities engaged in or seeking employment and on the number and age of their children and of other dependants requiring care; and
- (b) to ascertain, through systematic surveys conducted more particularly in local communities, the needs and preferences for child-care and family services and facilities.

25. The competent authorities should, in co-operation with the public and private organisations concerned, take appropriate steps to ensure that child-care and family services and facilities meet the needs and preferences so revealed; to this end they should, taking account of national and local circumstances and possibilities, in particular:

- (a) encourage and facilitate the establishment, particularly in local communities, of plans for the systematic development of child-care and family services and facilities, and
- (b) themselves organise or encourage and facilitate the provision of adequate and appropriate child-care and family services and facilities, free of charge or at a reasonable charge in accordance with the workers' ability to pay, developed along flexible lines and meeting the needs of children of different ages, of other dependants requiring care and of workers with family responsibilities.

26. (1) Child-care and family services and facilities of all types should comply with standards laid down and supervised by the competent authorities.

(2) Such standards should prescribe in particular the equipment and hygienic and technical requirements of the services and facilities provided and the number and qualifications of the staff.

(3) The competent authorities should provide or help to ensure the provision of adequate training at various levels for the personnel needed to staff child-care and family services and facilities.

VI. Social security

27. Social security benefits, tax relief, or other appropriate measures consistent with national policy should, when necessary, be available to workers with family responsibilities.

28. During the leave of absence referred to in Paragraphs 22 and 23, the workers concerned may, in conformity with national conditions and practice, and by one of the means referred to in Paragraph 3 of this Recommendation, be protected by social security.

29. A worker should not be excluded from social security coverage by reference to the occupational activity of his or her spouse and entitlement to benefits arising from that activity.

30. (1) The family responsibilities of a worker should be an element to be taken into account in determining whether employment offered is suitable in the sense that refusal of the offer may lead to loss or suspension of unemployment benefit.

(2) In particular, where the employment offered involves moving to another locality, the considerations to be taken into account should include the place of employment of the spouse and the possibilities of educating children.

31. In applying Paragraphs 27 to 30 of this Recommendation, a Member whose economy is insufficiently developed may take account of the national resources and social security arrangements available.

VII. Help in exercise of family responsibilities

32. The competent authorities and bodies in each country should promote such public and private action as is possible to lighten the burden deriving from the family responsibilities of workers.

33. All measures compatible with national conditions and possibilities should be taken to develop home-help and home-care services which are adequately regulated and supervised and which can provide workers with family responsibilities, as necessary, with qualified assistance at a reasonable charge in accordance with their ability to pay.

34. Since many measures designed to improve the conditions of workers in general can have a favourable impact on those of workers with family responsibilities, the competent authorities and bodies in each country should promote such public and private action as is possible to make the provision of services in the community, such as public transport, supply of water and energy in or near workers' housing and housing with labour-saving layout, responsive to the needs of workers.

VIII. Effect on existing recommendations

35. This Recommendation supersedes the Employment (Women with Family Responsibilities) Recommendation, 1965.

Tripartite consultation

Governance convention on tripartite consultation (and related Recommendation)	133
Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	133
Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)	135

Governance convention on tripartite consultation (and related Recommendation)

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date governance – priority – instrument	16 May 1978	Geneva, ILC 61st Session (21 June 1976)	137

E

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960 – which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers’ and workers’ organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers’ and workers’ organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled “Establishment of tripartite machinery to promote the implementation of international labour standards”, and having decided upon the adoption of certain proposals concerning tripartite consultation to promote the implementation of international labour standards, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Tripartite Consultation (International Labour Standards) Convention, 1976:

Article 1

In this Convention the term **representative organisations** means the most representative organisations of employers and workers enjoying the right of freedom of association.

Article 2

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice, after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.

Article 3

1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

Article 4

1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.

Article 5

1. The purpose of the procedures provided for in this Convention shall be consultations on:

- (a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;
- (c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (d) questions arising out of reports to be made to the International Labour Office under Article 22 of the Constitution of the International Labour Organisation;
- (e) proposals for the denunciation of ratified Conventions.

2. In order to ensure adequate consideration of the matters referred to in paragraph 1 of this Article, consultation shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

Article 6

When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 61st Session (21 June 1976)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960 – which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards, and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards and national action relating to the activities of the International Labour Organisation, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred seventy-six, the following Recommendation, which may be cited as the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976:

1. In this Recommendation the term *representative organisations* means the most representative organisations of employers and workers enjoying the right of freedom of association.

2. (1) Each Member of the International Labour Organisation should operate procedures which ensure effective consultations with respect to matters concerning the activities of the International Labour Organisation, in accordance with Paragraphs 5 to 7 of this Recommendation, between representatives of the government, of employers and of workers.

(2) The nature and form of the procedures provided for in subparagraph (1) of this Paragraph should be determined in each country in accordance with national practice, after consultation with the representative organisations where such procedures have not yet been established.

(3) For instance, consultations may be undertaken:

- (a) through a committee specifically constituted for questions concerning the activities of the International Labour Organisation;
- (b) through a body with general competence in the economic, social or labour field;
- (c) through a number of bodies with special responsibility for particular subject areas; or
- (d) through written communications, where those involved in the consultative procedures are agreed that such communications are appropriate and sufficient.

3. (1) The representatives of employers and workers for the purposes of the procedures provided for in this Recommendation should be freely chosen by their representative organisations.

(2) Employers and workers should be represented on an equal footing on any bodies through which consultations are undertaken.

(3) Measures should be taken, in co-operation with the employers' and workers' organisations concerned, to make available appropriate training to enable participants in the procedures to perform their functions effectively.

4. The competent authority should assume responsibility for the administrative support and financing of the procedures provided for in this Recommendation, including the financing of training programmes where necessary.

5. The purpose of the procedures provided for in this Recommendation should be consultations:

- (a) on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) on the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;
- (c) subject to national practice, on the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations, in particular to ratified Conventions (including measures for the implementation of provisions concerning the consultation or collaboration of employers' and workers' representatives);
- (d) on the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (e) on questions arising out of reports to be made to the International Labour Office under articles 19 and 22 of the Constitution of the International Labour Organisation;
- (f) on proposals for the denunciation of ratified Conventions.

6. The competent authority, after consultation with the representative organisations, should determine the extent to which these procedures should be used for the purpose of consultations on other matters of mutual concern, such as:

- (a) the preparation, implementation and evaluation of technical co-operation activities in which the International Labour Organisation participates;
- (b) the action to be taken in respect of resolutions and other conclusions adopted by the International Labour Conference, regional conferences, industrial committees and other meetings convened by the International Labour Organisation;
- (c) the promotion of a better knowledge of the activities of the International Labour Organisation as an element for use in economic and social policies and programmes.

7. In order to ensure adequate consideration of the matters referred to in the preceding Paragraphs, consultations should be undertaken at appropriate intervals fixed by agreement, but at least once a year.

8. Measures appropriate to national conditions and practice should be taken to ensure co-ordination between the procedures provided for in this Recommendation and the activities of national bodies dealing with analogous questions.

9. When this is considered appropriate after consultation with the representative organisations, the competent authority should issue an annual report on the working of the procedures provided for in this Recommendation.

Labour administration and inspection

1. Governance Conventions on labour inspection (and related instruments)	139
Labour Inspection Convention, 1947 (No. 81)	139
Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)	145
Labour Inspection Recommendation, 1947 (No. 81)	148
Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)	150
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	151
Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)	157
2. Other instruments on labour inspection	159
Labour Inspection Recommendation, 1923 (No. 20)	159
3. Labour Administration	164
Labour Administration Convention, 1978 (No. 150)	164
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Labour Statistics Convention, 1985 (No. 160)	170
Labour Statistics Recommendation, 1985 (No. 170)	174
Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)	177

1. Governance Conventions on labour inspection (and related instruments)

Labour Inspection Convention, 1947 (No. 81)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date governance – priority – instrument	7 Apr 1950	Geneva, ILC 30th Session (11 July 1947)	145

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and
Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in industry and commerce, which is the fourth item on the agenda of the Session, and
Having determined that these proposals shall take the form of an international Convention, adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Inspection Convention, 1947:

Part I. Labour inspection in industry

Article 1

Each Member of the International Labour Organisation for which this Convention is in force shall maintain a system of labour inspection in industrial workplaces.

Article 2

1. The system of labour inspection in industrial workplaces shall apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

2. National laws or regulations may exempt mining and transport undertakings or parts of such undertakings from the application of this Convention.

Article 3

1. The functions of the system of labour inspection shall be:

- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

Article 4

1. So far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority.

2. In the case of a federal State, the term *central authority* may mean either a federal authority or a central authority of a federated unit.

Article 5

The competent authority shall make appropriate arrangements to promote:

- (a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and
- (b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

Article 6

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

Article 7

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors shall be adequately trained for the performance of their duties.

Article 8

Both men and women shall be eligible for appointment to the inspection staff; where necessary, special duties may be assigned to men and women inspectors.

Article 9

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, including specialists in medicine, engineering, electricity and chemistry, are associated in the work of inspection, in such manner as may be deemed most appropriate under national conditions, for the purpose of securing the enforcement of the legal provisions relating to the protection of the health and safety of workers while engaged in their work and of investigating the effects of processes, materials and methods of work on the health and safety of workers.

Article 10

The number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate and shall be determined with due regard for:

- (a) the importance of the duties which inspectors have to perform, in particular:
 - (i) the number, nature, size and situation of the workplaces liable to inspection;
 - (ii) the number and classes of workers employed in such workplaces; and
 - (iii) the number and complexity of the legal provisions to be enforced;
- (b) the material means placed at the disposal of the inspectors; and
- (c) the practical conditions under which visits of inspection must be carried out in order to be effective.

Article 11

1. The competent authority shall make the necessary arrangements to furnish labour inspectors with:

- (a) local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;
- (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 12

1. Labour inspectors provided with proper credentials shall be empowered:

- (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
- (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and
- (c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular:
 - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
 - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;
 - (iii) to enforce the posting of notices required by the legal provisions;
 - (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

2. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 13

1. Labour inspectors shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by law, to make or to have made orders requiring:

- (a) such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to the health or safety of the workers; or
- (b) measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

3. Where the procedure prescribed in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

Article 14

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

Article 15

Subject to such exceptions as may be made by national laws or regulations, labour inspectors:

- (a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and
- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 16

Workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Article 17

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning; Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

Article 18

Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

Article 19

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

Article 20

1. The central inspection authority shall publish an annual general report on the work of the inspection services under its control.

2. Such annual reports shall be published within a reasonable time after the end of the year to which they relate and in any case within twelve months.

3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within a reasonable period after their publication and in any case within three months.

Article 21

The annual report published by the central inspection authority shall deal with the following and other relevant subjects in so far as they are under the control of the said authority:

- (a) laws and regulations relevant to the work of the inspection service;
- (b) staff of the labour inspection service;
- (c) statistics of workplaces liable to inspection and the number of workers employed therein;
- (d) statistics of inspection visits;
- (e) statistics of violations and penalties imposed;
- (f) statistics of industrial accidents;
- (g) statistics of occupational diseases.

Part II. Labour inspection in commerce

Article 22

Each Member of the International Labour Organisation for which this Part of this Convention is in force shall maintain a system of labour inspection in commercial workplaces.

Article 23

The system of labour inspection in commercial workplaces shall apply to workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

Article 24

The system of labour inspection in commercial workplaces shall comply with the requirements of Articles 3 to 21 of this Convention in so far as they are applicable.

Part III. Miscellaneous provisions

Article 25

1. Any Member of the International Labour Organisation which ratifies this Convention may, by a declaration appended to its ratification, exclude Part II from its acceptance of the Convention.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the position of its law and practice in regard to the provisions of Part II of this Convention and the extent to which effect has been given, or is proposed to be given, to the said provisions.

Article 26

In any case in which it is doubtful whether any undertaking, part or service of an undertaking or workplace is an undertaking, part, service or workplace to which this Convention applies, the question shall be settled by the competent authority.

Article 27

In this Convention the term *legal provisions* includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors.

Article 28

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention.

Article 29

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 30

1. In respect of the territories referred to in article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 31

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)

Status	Entry into force	Adoption
Up-to-date technical instrument	9 June 1998	Geneva, ILC 82nd Session (22 June 1995)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Eighty-second Session on 6 June 1995, and

Noting that the provisions of the Labour Inspection Convention, 1947, apply only to industrial and commercial workplaces, and

Noting that the provisions of the Labour Inspection (Agriculture) Convention, 1969, apply to workplaces in commercial and non-commercial agricultural undertakings, and

Noting that the provisions of the Occupational Safety and Health Convention, 1981, apply to all branches of economic activity, including the public service, and

Having regard to all the risks to which workers in the non-commercial services sector may be exposed, and the need to ensure that this sector is subject to the same or an equally effective and impartial system of labour inspection as that provided in the Labour Inspection Convention, 1947, and

Having decided upon the adoption of certain proposals with regard to activities in the non-commercial services sector, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Labour Inspection Convention, 1947,

adopts this twenty-second day of June of the year one thousand nine hundred and ninety-five the following Protocol, which may be cited as the Protocol of 1995 to the Labour Inspection Convention, 1947:

Part I. Scope, definition and application

Article 1

1. Each Member which ratifies this Protocol shall extend the application of the provisions of the Labour Inspection Convention, 1947 (hereunder referred to as “the Convention”), to activities in the non-commercial services sector.

2. The term “activities in the non-commercial services sector” refers to activities in all categories of workplaces that are not considered as industrial or commercial for the purposes of the Convention.

3. This Protocol applies to all workplaces that do not already fall within the scope of the Convention.

Article 2

1. A Member which ratifies this Protocol may, by a declaration appended to its instrument of ratification, exclude wholly or partly from its scope the following categories:

- (a) essential national (federal) government administration;
- (b) the armed services, whether military or civilian personnel;
- (c) the police and other public security services;
- (d) prison services, whether prison staff or prisoners when performing work,

if the application of the Convention to any of these categories would raise special problems of a substantial nature.

2. Before the Member avails itself of the possibility afforded in paragraph 1, it shall consult the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

3. A Member which has made a declaration as referred to in paragraph 1 shall, following ratification of this Protocol, indicate in its next report on the application of the Convention under article 22 of the Constitution of the International Labour Organization the reasons for the exclusion and, to the extent possible, provide for alternative inspection arrangements for any categories of workplaces thus excluded. It shall describe in subsequent reports any measures it may have taken with a view to extending the provisions of the Protocol to them.

4. A Member which has made a declaration referred to in paragraph 1 may at any time modify or cancel that declaration by a subsequent declaration in accordance with the provisions of this Article.

Article 3

1. The provisions of this Protocol shall be implemented by means of national laws or regulations, or by other means that are in accordance with national practice.

2. Measures taken to give effect to this Protocol shall be drawn up in consultation with the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

Part II. Special arrangements

Article 4

1. A Member may make special arrangements for the inspection of workplaces of essential national (federal) government administration, the armed services, the police and other public security services, and the prison services, so as to regulate the powers of labour inspectors as provided in Article 12 of the Convention in regard to:

- (a) inspectors having appropriate security clearance before entering;
- (b) inspection by appointment;
- (c) the power to require the production of confidential documents;
- (d) the removal of confidential documents from the premises;
- (e) the taking and analysis of samples of materials and substances.

2. The Member may also make special arrangements for the inspection of workplaces of the armed services and the police and other public security services so as to permit any of the following limitations on the powers of labour inspectors:

- (a) restriction of inspection during manoeuvres or exercises;
- (b) restriction or prohibition of inspection of front-line or active service units;
- (c) restriction or prohibition of inspection during declared periods of tension;
- (d) limitation of inspection in respect of the transport of explosives and armaments for military purposes.

3. The Member may also make special arrangements for the inspection of workplaces of prison services to permit restriction of inspection during declared periods of tension.

4. Before a Member avails itself of any of the special arrangements afforded in paragraphs (1), (2) and (3), it shall consult the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

Article 5

The Member may make special arrangements for the inspection of workplaces of fire brigades and other rescue services to permit the restriction of inspection during the fighting of a fire or during rescue or other emergency operations. In such cases, the labour inspectorate shall review such operations periodically and after any significant incident.

Article 6

The labour inspectorate shall be able to advise on the formulation of effective measures to minimize risks during training for potentially hazardous work and to participate in monitoring the implementation of such measures.

Part III. Final provisions

Article 7

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification of the Protocol to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which the ratification has been registered by the Director-General and the Convention shall then be binding on the Member concerned with the addition of Articles 1 to 6 of this Protocol.

Article 8

1. A Member which has ratified this Protocol may denounce it after the expiration of ten years from the date on which the Protocol first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified the Protocol and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Protocol at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations of this Protocol.

2. When notifying the Members of the Organization of the registration of the second ratification of this Protocol, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol will come into force.

3. The Director-General shall communicate full particulars of all ratifications and denunciations of this Protocol to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

Article 10

The English and French versions of the text of this Protocol are equally authoritative.

Labour Inspection Recommendation, 1947 (No. 81)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 30th Session (11 July 1947)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and
 Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in industry and commerce, which is the fourth item on the agenda of the Session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947,
 adopts this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Recommendation, which may be cited as the Labour Inspection Recommendation, 1947:

Whereas the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947, provide for organisation of systems of labour inspection and it is desirable to supplement the provisions thereof by further recommendations;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. Preventive duties of labour inspectorates

1. Any person who proposes to open an industrial or commercial establishment, or to take over such an establishment, or to commence in such an establishment the carrying on of a class of activity specified by a competent authority as materially affecting the application of legal provisions enforceable by labour inspectors, should be required to give notice in advance to the competent labour inspectorate either directly or through another designated authority.

2. Members should make arrangements under which plans for new establishments, plant, or processes of production may be submitted to the appropriate labour inspection service for an opinion as to whether the said plans would render difficult or impossible compliance with the laws and regulations concerning industrial health and safety or would be likely to constitute a threat to the health or safety of the workers.

3. Subject to any right of appeal which may be provided by law, the execution of plans for new establishments, plant and processes of production deemed under national laws or regulations to be dangerous or unhealthy should be conditional upon the carrying out of any alterations ordered by the inspectorate for the purpose of securing the health and safety of the workers.

II. Collaboration of employers and workers in regard to health and safety

4. (1) Arrangements for collaboration between employers and workers for the purpose of improving conditions affecting the health and safety of the workers should be encouraged.

(2) Such arrangements might take the form of safety committees or similar bodies set up within each undertaking or establishment and including representatives of the employers and the workers.

5. Representatives of the workers and the management, and more particularly members of works safety committees or similar bodies where such exist, should be authorised to collaborate directly with officials of the labour inspectorate, in a manner and within limits fixed by the competent authority, when investigations and, in particular, enquiries into industrial accidents or occupational diseases are carried out.

6. The promotion of collaboration between officials of the labour inspectorate and organisations of employers and workers should be facilitated by the organisation of conferences or joint committees, or similar bodies, in which representatives of the labour inspectorate discuss with representatives of organisations of employers and workers questions concerning the enforcement of labour legislation and the health and safety of the workers.

7. Appropriate steps should be taken to ensure that employers and workers are given advice and instruction in labour legislation and questions of industrial hygiene and safety by such measures as:

- (a) lectures, radio talks, posters, pamphlets and films explaining the provisions of labour legislation and suggesting methods for their application and measures for preventing industrial accidents and occupational diseases;
- (b) health and safety exhibitions; and
- (c) instruction in industrial hygiene and safety in technical schools.

III. Labour disputes

8. The functions of labour inspectors should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

IV. Annual reports on inspection

9. The published annual reports on the work of inspection services should, in so far as possible, supply the following detailed information:

- (a) a list of the laws and regulations bearing on the work of the inspection system not mentioned in previous reports;
- (b) particulars of the staff of the labour inspection system, including:
 - (i) the aggregate number of inspectors;
 - (ii) the numbers of inspectors of different categories;

- (iii) the number of women inspectors; and
- (iv) particulars of the geographical distribution of inspection services;
- (c) statistics of workplaces liable to inspection and of the number of persons therein employed, including:
 - (i) the number of workplaces liable to inspection;
 - (ii) the average number of persons employed in such workplaces during the year;
 - (iii) particulars of the classification of persons employed under the following headings: men, women, young persons, and children;
- (d) statistics of inspection visits, including:
 - (i) the number of workplaces visited;
 - (ii) the number of inspection visits made, classified according to whether they were made by day or by night;
 - (iii) the number of persons employed in the workplaces visited;
 - (iv) the number of workplaces visited more than once during the year;
- (e) statistics of violations and penalties, including:
 - (i) the number of infringements reported to the competent authorities;
 - (ii) particulars of the classification of such infringements according to the legal provisions to which they relate;
 - (iii) the number of convictions;
 - (iv) particulars of the nature of the penalties imposed by the competent authorities in the various cases (fines, imprisonment, etc.);
- (f) statistics of industrial accidents, including the number of industrial accidents notified and particulars of the classification of such accidents:
 - (i) by industry and occupation;
 - (ii) according to cause;
 - (iii) according to whether fatal or non-fatal;
- (g) statistics of occupational diseases, including:
 - (i) the number of cases of occupational disease notified;
 - (ii) particulars of the classification of such cases according to industry and occupation;
 - (iii) particulars of the classification of such cases according to their cause or character, such as the nature of the disease, poisonous substance or unhealthy process to which the disease is due.

Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 30th Session (11 July 1947)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in mining and transport undertakings, which is included in the fourth item on the agenda of the Session, and

Having determined that certain of these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Recommendation, which may be cited as the Labour Inspection (Mining and Transport) Recommendation, 1947:

Whereas the Labour Inspection Convention, 1947, provides for the organisation of systems of labour inspection and permits the exemption of mining and transport undertakings from the application thereof by national laws or regulations; and

Whereas it is nevertheless essential to make adequate provision in respect of mining and transport undertakings for the effective enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto:

Each Member of the International Labour Organisation should apply to mining and transport undertakings as defined by the competent authority appropriate systems of labour inspection to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work.

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date governance – priority – instrument	19 Jan 1972	Geneva, ILC 53rd Session (25 June 1969)	53

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4 June 1969, and

Noting the terms of existing international labour Conventions concerning labour inspection, such as the Labour Inspection Convention, 1947, which applies to industry and commerce, and the Plantations Convention, 1958, which covers a limited category of agricultural undertakings, and

Considering that international standards providing for labour inspection in agriculture generally are desirable, and

Having decided upon the adoption of certain proposals with regard to labour inspection in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine the following Convention, which may be cited as the Labour Inspection (Agriculture) Convention, 1969:

Article 1

1. In this Convention the term *agricultural undertaking* means undertakings and parts of undertakings engaged in cultivation, animal husbandry including livestock production and care, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity.

2. Where necessary, the competent authority shall, after consultation with the most representative organisations of employers and workers concerned, where such exist, define the line which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural undertaking from the national system of labour inspection.

3. In any case in which it is doubtful whether an undertaking or part of an undertaking is one to which this Convention applies, the question shall be settled by the competent authority.

Article 2

In this Convention the term *legal provisions* includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors.

Article 3

Each Member of the International Labour Organisation for which this Convention is in force shall maintain a system of labour inspection in agriculture.

Article 4

The system of labour inspection in agriculture shall apply to agricultural undertakings in which work employees or apprentices, however they may be remunerated and whatever the type, form or duration of their contract.

Article 5

1. Any Member ratifying this Convention may, in a declaration accompanying its ratification, undertake also to cover by labour inspection in agriculture one or more of the following categories of persons working in agricultural undertakings:

- (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- (b) persons participating in a collective economic enterprise, such as members of a co-operative;
- (c) members of the family of the operator of the undertaking, as defined by national laws or regulations.

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration undertaking to cover one or more of the categories of persons referred to in the preceding paragraph which are not already covered in virtue of a previous declaration.

3. Each Member which has ratified this Convention shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such of the categories of persons referred to in paragraph 1 of this Article as are not covered in virtue of a declaration.

Article 6

1. The functions of the system of labour inspection in agriculture shall be:

- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;

(c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions and to submit to it proposals on the improvement of laws and regulations.

2. National laws or regulations may give labour inspectors in agriculture advisory or enforcement functions regarding legal provisions relating to conditions of life of workers and their families.

3. Any further duties which may be entrusted to labour inspectors in agriculture shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

Article 7

1. So far as is compatible with the administrative practice of the Member, labour inspection in agriculture shall be placed under the supervision and control of a central body.

2. In the case of a federal State, the term *central body* may mean either one at federal level or one at the level of a federated unit.

3. Labour inspection in agriculture might be carried out for example:

- (a) by a single labour inspection department responsible for all sectors of economic activity;
- (b) by a single labour inspection department, which would arrange for internal functional specialisation through the appropriate training of inspectors called upon to exercise their functions in agriculture;
- (c) by a single labour inspection department, which would arrange for internal institutional specialisation by creating a technically qualified service, the officers of which would perform their functions in agriculture; or
- (d) by a specialised agricultural inspection service, the activity of which would be supervised by a central body vested with the same prerogatives in respect of labour inspection in other fields, such as industry, transport and commerce.

Article 8

1. The labour inspection staff in agriculture shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

2. So far as is compatible with national laws or regulations or with national practice, Members may include in their system of labour inspection in agriculture officials or representatives of occupational organisations, whose activities would supplement those of the public inspection staff; the persons concerned shall be assured of stability of tenure and be independent of improper external influences.

Article 9

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors in agriculture shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors in agriculture shall be adequately trained for the performance of their duties and measures shall be taken to give them appropriate further training in the course of their employment.

Article 10

Both men and women shall be eligible for appointment to the labour inspection staff in agriculture; where necessary, special duties may be assigned to men and women inspectors.

Article 11

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, who might help to solve problems demanding technical knowledge, are associated in the work of labour inspection in agriculture in such manner as may be deemed most appropriate under national conditions.

Article 12

1. The competent authority shall make appropriate arrangements to promote effective co-operation between the inspection services in agriculture and government services and public or approved institutions which may be engaged in similar activities.

2. Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level on an auxiliary basis to appropriate government services or public institutions or associate these services or institutions with the exercise of the functions in question, on condition that this does not prejudice the application of the principles of this Convention.

Article 13

The competent authority shall make appropriate arrangements to promote collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organisations where such exist.

Article 14

Arrangements shall be made to ensure that the number of labour inspectors in agriculture is sufficient to secure the effective discharge of the duties of the inspectorate and is determined with due regard for:

- (a) the importance of the duties which inspectors have to perform, in particular:
 - (i) the number, nature, size and situation of the agricultural undertakings liable to inspection;
 - (ii) the number and classes of persons working in such undertakings; and
 - (iii) the number and complexity of the legal provisions to be enforced;
- (b) the material means placed at the disposal of the inspectors; and
- (c) the practical conditions under which visits of inspection must be carried out in order to be effective.

Article 15

1. The competent authority shall make the necessary arrangements to furnish labour inspectors in agriculture with:

- (a) local offices so located as to take account of the geographical situation of the agricultural undertakings and of the means of communication, suitably equipped in accordance with the requirements of the service, and, in so far as possible, accessible to the persons concerned;
- (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors in agriculture any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 16

1. Labour inspectors in agriculture provided with proper credentials shall be empowered:
 - (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
 - (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
 - (c) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular:
 - (i) to interview, alone or in the presence of witnesses, the employer, the staff of the undertaking or any other person in the undertaking on any matters concerning the application of the legal provisions;
 - (ii) to require, in such manner as national laws or regulations may prescribe, the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of life and work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;
 - (iii) to take or remove for purposes of analysis samples of products, materials and substances used or handled, subject to the employer or his representative being notified of any products, materials or substances taken or removed for such purposes.
2. Labour inspectors shall not enter the private home of the operator of the undertaking in pursuance of subparagraph (a) or (b) of paragraph 1 of this Article except with the consent of the operator or with a special authorisation issued by the competent authority.
3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative, and the workers or their representatives, of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 17

The labour inspection services in agriculture shall be associated, in such cases and in such manner as may be determined by the competent authority, in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety.

Article 18

1. Labour inspectors in agriculture shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods in agricultural undertakings, including the use of dangerous materials or substances, which they may have reasonable cause to believe constitute a threat to health or safety.
2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a legal or administrative authority which may be provided by law, to make or have made orders requiring:
 - (a) such alterations to the installation, plant, premises, tools, equipment or machines, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to health or safety; or
 - (b) measures with immediate executory force, which can go as far as halting the work, in the event of imminent danger to health or safety.
3. Where the procedure described in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

4. The defects noted by the inspector when visiting an undertaking and the orders he is making or having made in pursuance of paragraph 2 or for which he intends to apply in pursuance of paragraph 3 shall be immediately made known to the employer and the representatives of the workers.

Article 19

1. The labour inspectorate in agriculture shall be notified of occupational accidents and cases of occupational disease occurring in the agricultural sector in such cases and in such manner as may be prescribed by national laws or regulations.

2. As far as possible, inspectors shall be associated with any inquiry on the spot into the causes of the most serious occupational accidents or occupational diseases, particularly of those which affect a number of workers or have fatal consequences.

Article 20

Subject to such exceptions as may be made by national laws or regulations, labour inspectors in agriculture:

- (a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and
- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect, a danger in working processes or a breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 21

Agricultural undertakings shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Article 22

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors in agriculture shall be liable to prompt legal or administrative proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

Article 23

If labour inspectors in agriculture are not themselves authorised to institute proceedings, they shall be empowered to refer reports of infringements of the legal provisions directly to an authority competent to institute such proceedings.

Article 24

Adequate penalties for violations of the legal provisions enforceable by labour inspectors in agriculture and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

Article 25

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their activities in agriculture.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central inspection authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

Article 26

1. The central inspection authority shall publish an annual report on the work of the inspection services in agriculture, either as a separate report or as part of its general annual report.

2. Such annual reports shall be published within a reasonable time after the end of the year to which they relate and in any case within twelve months.

3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within three months after their publication.

Article 27

The annual report published by the central inspection authority shall deal in particular with the following subjects, in so far as they are under the control of the said authority:

- (a) laws and regulations relevant to the work of labour inspection in agriculture;
- (b) staff of the labour inspection service in agriculture;
- (c) statistics of agricultural undertakings liable to inspection and the number of persons working therein;
- (d) statistics of inspection visits;
- (e) statistics of violations and penalties imposed;
- (f) statistics of occupational accidents, including their causes;
- (g) statistics of occupational diseases, including their causes.

Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 53rd Session (25 June 1969)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4 June 1969, and

Having decided upon the adoption of certain proposals with regard to labour inspection in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection (Agriculture) Convention, 1969,

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine, the following Recommendation, which may be cited as the Labour Inspection (Agriculture) Recommendation, 1969:

1. Where national conditions permit, the functions of the labour inspectorate in agriculture should be enlarged so as to include collaboration with the competent technical services with a view to helping the agricultural producer, whatever his status, to improve his holding and the conditions of life and work of the persons working on it.

2. Subject to the provisions of Article 6, paragraph 3, of the Labour Inspection (Agriculture) Convention, 1969, the labour inspectorate in agriculture might be associated in the enforcement of legal provisions on such matters as:

- (a) training of workers;
- (b) social services in agriculture;
- (c) co-operatives;
- (d) compulsory school attendance.

3. (1) Normally, the functions of labour inspectors in agriculture should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

(2) Where no special bodies for this purpose exist in agriculture, labour inspectors in agriculture may be called upon as a temporary measure to act as conciliators.

(3) In the case provided for by subparagraph (2) of this Paragraph, the competent authority should take measures in harmony with national law and compatible with the resources of the labour department of the country concerned with a view to relieving labour inspectors progressively of such functions, so that they are able to devote themselves to a greater extent to the actual inspection of undertakings.

4. Labour inspectors in agriculture should become familiar with conditions of life and work in agriculture and have knowledge of the economic and technical aspects of work in agriculture.

5. Candidates for senior positions in the labour inspectorate in agriculture should be in possession of appropriate professional or academic qualifications or have acquired thorough practical experience in labour administration.

6. Candidates for other positions in the labour inspectorate in agriculture (such as assistant inspectors and junior staff) should, if the level of education in the country allows, have completed secondary general education, supplemented, if possible, by appropriate technical training, or have acquired adequate administrative or practical experience in labour matters.

7. In countries where education is not sufficiently developed, persons appointed as labour inspectors in agriculture should at least have some practical experience in agriculture or show an interest in and have capacity for this type of work; they should be given adequate training on the job as rapidly as possible.

8. The central labour inspection authority should give labour inspectors in agriculture guidelines so as to ensure that they perform their duties throughout the country in a uniform manner.

9. The activity of labour inspectors in agriculture during the night should be limited to those matters which cannot be effectively controlled during the day.

10. The use in agriculture of committees for hygiene and safety which include representatives of employers and of workers might be one of the means of collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organisations where such exist.

11. The association of the labour inspectorate in agriculture in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety, provided for in Article 17 of the Labour Inspection (Agriculture) Convention, 1969, should include prior consultation with the labour inspectorate on:

- (a) the putting into operation of such plant, materials or substances, and methods; and
- (b) the plans of any plant in which dangerous machines or unhealthy or dangerous work processes are to be used.

12. Employers should provide the necessary facilities to labour inspectors in agriculture, including, where appropriate, the use of a room for interviews with persons working in the undertaking.

13. The annual report published by the central inspection authority might, in addition to the subjects listed in Article 27 of the Labour Inspection (Agriculture) Convention, 1969, deal with the following matters in so far as they are within the competence of the said authority:

- (a) statistics of labour disputes in agriculture;
- (b) identification of problems regarding application of the legal provisions, and progress made in solving them; and
- (c) suggestions for improving the conditions of life and work in agriculture.

14. (1) Members should undertake or promote education campaigns intended to inform the parties concerned, by all appropriate means, of the applicable legal provisions and the need to apply them strictly as well as of the dangers to the life or health of persons working in agricultural undertakings and of the most appropriate means of avoiding them.

(2) Such campaigns might, in the light of national conditions, include:

- (a) use of the services of rural promoters or instructors;
- (b) distribution of posters, pamphlets, periodicals and newspapers;
- (c) organisation of film shows, and radio and television broadcasts;
- (d) arrangements for exhibitions and practical demonstrations on hygiene and safety;
- (e) inclusion of hygiene and safety and other appropriate subjects in the teaching programmes of rural schools and agricultural schools;
- (f) organisation of conferences for persons working in agriculture who are affected by the introduction of new working methods or of new materials or substances;
- (g) participation of labour inspectors in agriculture in workers' education programmes; and
- (h) arrangements of lectures, debates, seminars and competitions with prizes.

F

2. Other instruments on labour inspection¹

Labour Inspection Recommendation, 1923 (No. 20)

Status	Adoption
Technical instrument with interim status	Geneva, 5th ILC Session (29 Oct 1923)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifth Session on 22 October 1923, and

Having decided upon the adoption of certain proposals with regard to the general principles for the organisation of factory inspection, the question forming the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-ninth day of October of the year one thousand nine hundred twenty-three, the following Recommendation, which may be cited as the Labour Inspection Recommendation, 1923, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

Whereas the Constitution of the International Labour Organisation includes among the methods and principles of special and urgent importance for the physical, moral and intellectual

1. Withdrawn recommendations: Labour Inspection (Health Services) Recommendation, 1919 (No. 5); Inspection (Building) Recommendation, 1937 (No. 54)

welfare of the workers the principle that each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the workers;

Whereas the resolutions adopted at the First Session of the International Labour Conference concerning certain countries where special conditions prevail involve the creation by these countries of an inspection system if they do not already possess such a system;

Whereas the necessity of organising a system of inspection becomes especially urgent when Conventions adopted at sessions of the Conference are being ratified by Members of the Organisation and put into force;

Whereas while the institution of an inspection system is undoubtedly to be recommended as one of the most effective means of ensuring the enforcement of Conventions and other engagements for the regulation of labour conditions, each Member is solely responsible for the execution of Conventions to which it is a party in the territory under its sovereignty or its authority and must accordingly itself determine in accordance with local conditions what measures of supervision may enable it to assume such a responsibility;

Whereas, in order to put the experience already gained at the disposal of the Members with a view to assisting them in the institution or reorganisation of their inspection system, it is desirable to indicate the general principles which practice shows to be the best calculated to ensure uniform, thorough and effective enforcement of Conventions and more generally of all measures for the protection of workers; and

Having decided to leave to each country the determination of how far these general principles should be applied to certain spheres of activity;

And taking as a guide the long experience already acquired in factory inspection;

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration:

I. Sphere of inspection

1. That it should be the principal function of the system of inspection which should be instituted by each Member in accordance with the ninth principle of article 41 of the Constitution of the International Labour Organisation to secure the enforcement of the laws and regulations relating to the conditions of work and the protection of the workers while engaged in their work (hours of work and rest; night work; prohibition of the employment of certain persons on dangerous, unhealthy or physically unsuitable work; health and safety, etc.). (Note: This Paragraph refers to the Constitution of the International Labour Organisation prior to its amendment in 1946. The Constitution as amended in 1946 contains no specific reference to the setting up of a system of labour inspection. See, however, the provisions of the Labour Inspection Convention, 1947 (No. 81).)

2. That, in so far as it may be considered possible and desirable, either for reasons of convenience in the matter of supervision or by reason of the experience which they gain in carrying out their principal duties, to assign to inspectors additional duties which may vary according to the conceptions, traditions and customs prevailing in the different countries, such duties may be assigned, provided:

- (a) that they do not in any way interfere with the inspectors' principal duties;
- (b) that in themselves they are closely related to the primary object of ensuring the protection of the health and safety of the workers;
- (c) that they shall not prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

II. Nature of the functions and powers of inspectors

A. General

3. That inspectors provided with credentials should be empowered by law:
- (a) to visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any

place which they may have reasonable cause to believe to be an establishment, or part thereof, subject to their supervision; provided that, before leaving, inspectors should, if possible, notify the employer or some representative of the employer of their visit;

- (b) to question, without witnesses, the staff belonging to the establishment, and, for the purpose of carrying out their duties, to apply for information to any other persons whose evidence they may consider necessary, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

4. That inspectors should be bound by oath, or by any method which conforms with the administrative practice or customs in each country, not to disclose, on pain of legal penalties or suitable disciplinary measures, manufacturing secrets, and working processes in general, which may come to their knowledge in the course of their duties.

5. That, regard being had to the administrative and judicial systems of each country, and subject to such reference to superior authority as may be considered necessary, inspectors should be empowered to bring breaches of the laws, which they ascertain, directly before the competent judicial authorities;

That in countries where it is not incompatible with their system and principles of law, the reports drawn up by the inspectors shall be considered to establish the facts stated therein in default of proof to the contrary.

6. That the inspectors should be empowered, in cases where immediate action is necessary to bring installation or plant into conformity with laws and regulations, to make an order (or, if that procedure should not be in accordance with the administrative or judicial systems of the country, to apply to the competent authorities for an order) requiring such alterations to the installation or plant to be carried out within a fixed time as may be necessary for securing full and exact observance of the laws and regulations relating to the health and safety of the workers;

That in countries where the inspector's order has executive force of itself, its execution should be suspended only by appeal to a higher administrative or judicial authority, but in no circumstances should provisions intended to protect employers against arbitrary action prejudice the taking of measures with a view to the prevention of imminent danger which has been duly shown to exist.

B. Safety

7. Having regard to the fact that, while it is essential that the inspectorate should be invested with all the legal powers necessary for the performance of its duties, it is equally important, in order that inspection may progressively become more effective, that, in accordance with the tendency manifested in the oldest and most experienced countries, inspection should be increasingly directed towards securing the adoption of the most suitable safety methods for preventing accidents and diseases with a view to rendering work less dangerous, more healthy, and even less exhausting, by the intelligent understanding, education, and co-operation of all concerned, it would appear that the following methods are calculated to promote this development in all countries:

- (a) that all accidents should be notified to the competent authorities, and that one of the essential duties of the inspectors should be to investigate accidents, and more especially those of a serious or recurring character, with a view to ascertaining by what measures they can be prevented;
- (b) that inspectors should inform and advise employers respecting the best standards of health and safety;
- (c) that inspectors should encourage the collaboration of employers, managing staff and workers for the promotion of personal caution, safety methods, and the perfecting of safety equipment;
- (d) that inspectors should endeavour to promote the improvement and perfecting of measures of health and safety, by the systematic study of technical methods for the internal equipment of undertakings, by special investigations into problems of health and safety, and by any other means;
- (e) that in countries where it is considered preferable to have a special organisation for accident insurance and prevention completely independent of the inspectorate, the special officers of such organisations should be guided by the foregoing principles.

III. Organisation of inspection

A. Organisation of the staff

8. That, in order that the inspectors may be as closely as possible in touch with the establishments which they inspect and with the employers and workers, and in order that as much as possible of the inspectors' time may be devoted to the actual visiting of establishments, they should be localised, when the circumstances of the country permit, in the industrial districts.

9. That, in countries, which for the purposes of inspection are divided into districts, in order to secure uniformity in the application of the law as between district and district and to promote a high standard of efficiency of inspection, the inspectors in the districts should be placed under the general supervision of an inspector of high qualifications and experience. Where the importance of the industries of the country is such as to require the appointment of more than one supervising inspector, the supervising inspectors should meet from time to time to confer on questions arising in the divisions under their control in connection with the application of the law and the improvement of industrial conditions.

10. That the inspectorate should be placed under the direct and exclusive control of a central State authority and should not be under the control of or in any way responsible to any local authority in connection with the execution of any of their duties.

11. That, in view of the difficult scientific and technical questions which arise under the conditions of modern industry in connection with processes involving the use of dangerous materials, the removal of injurious dust and gases, the use of electrical plant and other matters, it is essential that experts having competent medical, engineering, electrical or other scientific training and experience should be employed by the State for dealing with such problems.

12. That, in conformity with the principle contained in Article 41 of the Constitution of the International Labour Organisation, the inspectorate should include women as well as men inspectors; that, while it is evident that with regard to certain matters and certain classes of work, inspection can be more suitably carried out by men, as in the case of other matters and other classes of work inspection can be more suitably carried out by women, the women inspectors should in general have the same powers and duties and exercise the same authority as the men inspectors, subject to their having had the necessary training and experience, and should have equal opportunity of promotion to the higher ranks. (Note: This Paragraph refers to the Constitution of the International Labour Organisation prior to its amendment in 1946. The Constitution as amended in 1946 contains no specific reference to the participation of women inspectors in the work of the inspectorate. See, however, Article 8 of the Labour Inspection Convention, 1947 (No. 81).)

B. Qualifications and training of inspectors

13. That, in view of the complexity of modern industrial processes and machinery, of the character of the executive and administrative functions entrusted to the inspectors in connection with the application of the law and of the importance of their relations to employers and workers and employers' and workers' organisations and to the judicial and local authorities, it is essential that the inspectors should in general possess a high standard of technical training and experience, should be persons of good general education, and by their character and abilities be capable of acquiring the confidence of all parties.

14. That the inspectorate should be on a permanent basis and should be independent of changes of Government; that the inspectors should be given such a status and standard of remuneration as to secure their freedom from any improper external influences and that they should be prohibited from having any interest in any establishment which is placed under their inspection.

15. That inspectors on appointment should undergo a period of probation for the purpose of testing their qualifications and training them in their duties, and that their appointment should only be confirmed at the end of that period if they have shown themselves fully qualified for the duties of an inspector.

16. That, where countries are divided for the purposes of inspection into districts, and especially where the industries of the country are of a varied character, it is desirable that inspectors, more particularly during the early years of their service, should be transferred from district to district at appropriate intervals in order to obtain a full experience of the work of inspection.

C. Standards and methods of inspection

17. That, as under a system of State inspection the visits of the inspectors to any individual establishment must necessarily be more or less infrequent, it is essential:

- (1)
 - (a) That the principle should be laid down and maintained that the employer and the officials of the establishment are responsible for the observance of the law, and are liable to be proceeded against in the event of deliberate violation of or serious negligence in observing the law, without previous warning from the inspector; it is understood that the foregoing principle does not apply in special cases where the law provides that notice shall be given in the first instance to the employer to carry out certain measures.
 - (b) That, as a general rule, the visits of the inspectors should be made without any previous notice to the employer.

(2) It is desirable that adequate measures should be taken by the State to ensure that employers, officials and workers are acquainted with the provisions of the law and the measures to be taken for the protection of the health and safety of the workers, as, for example, by requiring the employer to post in his establishment an abstract of the requirements of the law.

18. That, while it is recognised that very wide differences exist between the size and importance of one establishment and another, and that there may be special difficulties in countries or areas of a rural character where factories are widely scattered, it is desirable that, as far as possible, every establishment should be visited by an inspector for the purposes of general inspection not less frequently than once a year, in addition to any special visits that may be made for the purpose of investigating a particular complaint or for other purposes; and that large establishments and establishments of which the management is unsatisfactory from the point of view of the protection of the health and safety of the workers, and establishments in which dangerous or unhealthy processes are carried on, should be visited much more frequently. It is desirable that, when any serious irregularity has been discovered in an establishment, it should be revisited by the inspector at an early date with a view to ascertaining whether the irregularity has been remedied.

D. Co-operation of employers and workers

19. That it is essential that the workers and their representatives should be afforded every facility for communicating freely with the inspectors as to any defect or breach of the law in the establishment in which they are employed; that every such complaint should as far as possible be investigated promptly by the inspector; that the complaint should be treated as absolutely confidential by the inspector and that no intimation even should be given to the employer or his officials that the visit made for the purpose of investigation is being made in consequence of the receipt of a complaint.

20. That, with a view to securing full co-operation of the employers and workers and their respective organisations in promoting a high standard in regard to the conditions affecting the health and safety of the workers, it is desirable that the inspectorate should confer from time to time with the representatives of the employers' and workers' organisations as to the best measures to be taken for this purpose.

IV. Inspectors' reports

21. That inspectors should regularly submit to their central authority reports framed on uniform lines dealing with their work and its results, and that the said authority should publish an annual report as soon as possible and in any case within one year after the end of the year to which it relates, containing a general survey of the information furnished by the inspectors; that the calendar year should be uniformly adopted for these reports.

22. That the annual general report should contain a list of the laws and regulations relating to conditions of work made during the year which it covers.

23. That this annual report should also give the statistical tables necessary in order to provide all information on the organisation and work of the inspectorate and on the results obtained. The information supplied should as far as possible state:

- (a) the strength and organisation of the staff of the inspectorate;

- (b) the number of establishments covered by the laws and regulations, classified by industries and indicating the number of workers employed (men, women, young persons, children);
- (c) the number of visits of inspection made for each class of establishment with an indication of the number of workers employed in the establishments inspected (the number of workers being taken to be the number employed at the time of the first visit of the year), and the number of establishments inspected more than once during the year;
- (d) the number of and nature of breaches of the laws and regulations brought before the competent authorities and the number and nature of the convictions by the competent authority;
- (e) the number, nature and the cause of accidents and occupational diseases notified, tabulated according to class of establishment.

3. Labour Administration²

Labour Administration Convention, 1978 (No. 150)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 Oct 1980	Geneva, ILC 64th Session (26 June 1978)	74

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Recalling the terms of existing international labour Conventions and Recommendations, including in particular the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture) Convention, 1969, and the Employment Service Convention, 1948, which call for the exercise of particular labour administration activities, and

Considering it desirable to adopt instruments establishing guidelines regarding the over-all system of labour administration, and

Recalling the terms of the Employment Policy Convention, 1964, and of the Human Resources Development Convention, 1975; recalling also the goal of the creation of full and adequately remunerated employment and affirming the need for programmes of labour administration to work towards this goal and to give effect to the objectives of the said Conventions, and

Recognising the necessity of fully respecting the autonomy of employers' and workers' organisations, recalling in this connection the terms of existing international labour Conventions and Recommendations guaranteeing rights of association, organisation and collective bargaining – and particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which forbid any interference by public authorities which would restrict these rights or impede the lawful exercise thereof, and considering that employers' and workers' organisations have essential roles in attaining the objectives of economic, social and cultural progress, and

Having decided upon the adoption of certain proposals with regard to labour administration: role, functions and organisation, which is the fourth item on the agenda of the session, and

2. Outdated instrument: Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-eight the following Convention, which may be cited as the Labour Administration Convention, 1978:

Article 1

For the purpose of this Convention:

- (a) the term *labour administration* means public administration activities in the field of national labour policy;
- (b) the term *system of labour administration* covers all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration – and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations.

Article 2

A Member which ratifies this Convention may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or – where appropriate – to employers' and workers' representatives.

Article 3

A Member which ratifies this Convention may regard particular activities in the field of its national labour policy as being matters which, in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organisations.

Article 4

Each Member which ratifies this Convention shall, in a manner appropriate to national conditions, ensure the organisation and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

Article 5

1. Each Member which ratifies this Convention shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, co-operation and negotiation between the public authorities and the most representative organisations of employers and workers, or – where appropriate – employers' and workers' representatives.

2. To the extent compatible with national laws and regulations, and national practice, such arrangements shall be made at the national, regional and local levels as well as at the level of the different sectors of economic activity.

Article 6

1. The competent bodies within the system of labour administration shall, as appropriate, be responsible for or contribute to the preparation, administration, co-ordination, checking and review of national labour policy, and be the instrument within the ambit of public administration for the preparation and implementation of laws and regulations giving effect thereto.

2. In particular, these bodies, taking into account international labour standards, shall:

- (a) participate in the preparation, administration, co-ordination, checking and review of national employment policy, in accordance with national laws and regulations, and national practice;

- (b) study and keep under review the situation of employed, unemployed and underemployed persons, taking into account national laws and regulations and national practice concerning conditions of work and working life and terms of employment, draw attention to defects and abuses in such conditions and terms and submit proposals on means to overcome them;
- (c) make their services available to employers and workers, and their respective organisations, as may be appropriate under national laws or regulations, or national practice, with a view to the promotion – at national, regional and local levels as well as at the level of the different sectors of economic activity – of effective consultation and co-operation between public authorities and bodies and employers' and workers' organisations, as well as between such organisations;
- (d) make technical advice available to employers and workers and their respective organisations on their request.

Article 7

When national conditions so require, with a view to meeting the needs of the largest possible number of workers, and in so far as such activities are not already covered, each Member which ratifies this Convention shall promote the extension, by gradual stages if necessary, of the functions of the system of labour administration to include activities, to be carried out in co-operation with other competent bodies, relating to the conditions of work and working life of appropriate categories of workers who are not, in law, employed persons, such as:

- (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- (b) self-employed workers who do not engage outside help, occupied in the informal sector as understood in national practice;
- (c) members of co-operatives and worker-managed undertakings;
- (d) persons working under systems established by communal customs or traditions.

Article 8

To the extent compatible with national laws and regulations and national practice, the competent bodies within the system of labour administration shall contribute to the preparation of national policy concerning international labour affairs, participate in the representation of the State with respect to such affairs and contribute to the preparation of measures to be taken at the national level with respect thereto.

Article 9

With a view to the proper co-ordination of the functions and responsibilities of the system of labour administration, in a manner determined by national laws or regulations, or national practice, a ministry of labour or another comparable body shall have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities, and any regional or local agencies to which particular labour administration activities may have been delegated, are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.

Article 10

1. The staff of the labour administration system shall be composed of persons who are suitably qualified for the activities to which they are assigned, who have access to training necessary for such activities and who are independent of improper external influences.

2. Such staff shall have the status, the material means and the financial resources necessary for the effective performance of their duties.

Labour Administration Recommendation, 1978 (No. 158)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 64th Session (26 June 1978)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Sixty-fourth Session on 7 June 1978, and
 Recalling the terms of existing international labour Conventions and Recommendations,
 including in particular the Labour Inspection Convention, 1947, the Labour Inspection
 (Agriculture) Convention, 1969, and the Employment Service Convention, 1948, which call
 for the exercise of particular labour administration activities, and
 Considering it desirable to adopt instruments establishing guidelines regarding the over-all system
 of labour administration, and
 Recalling the terms of the Employment Policy Convention, 1964, and of the Human Resources
 Development Convention, 1975; recalling also the goal of the creation of full and adequately
 remunerated employment and affirming the need for programmes of labour administration to
 work towards this goal and to give effect to the objectives of the said Conventions, and
 Recognising the necessity of fully respecting the autonomy of employers' and workers' organ-
 isations, recalling in this connection the terms of existing international labour Conventions
 and Recommendations guaranteeing rights of association, organisation and collective bar-
 gaining – and particularly the Freedom of Association and Protection of the Right to Organise
 Convention, 1948, and the Right to Organise and Collective Bargaining Convention,
 1949 – which forbid any interference by public authorities which would restrict these rights or
 impede the lawful exercise thereof, and considering that employers' and workers' organisations
 have essential roles in attaining the objectives of economic, social and cultural progress, and
 Having decided upon the adoption of certain proposals with regard to labour administration:
 role, functions and organisation, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Labour Administration Convention, 1978,
 adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-eight, the
 following Recommendation, which may be cited as the Labour Administration Recommendation,
 1978:

I. General provisions

1. For the purpose of this Recommendation:
 - (a) the term *labour administration* means public administration activities in the field of national labour policy;
 - (b) the term *system of labour administration* covers all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration – and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations.
2. A Member may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or – where appropriate – to employers' and workers' representatives.
3. A Member may regard particular activities in the field of its national labour policy as being matters which in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organisations.

4. Each Member should, in a manner appropriate to national conditions, ensure the organisation and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

II. Functions of the national system of labour administration

Labour standards

5. (1) The competent bodies within the system of labour administration should – in consultation with organisations of employers and workers and in a manner and under conditions determined by national laws or regulations, or national practice – take an active part in the preparation, development, adoption, application and review of labour standards, including relevant laws and regulations.

(2) They should make their services available to employers' and workers' organisations, as may be appropriate under national laws or regulations, or national practice, with a view to promoting the regulation of terms and conditions of employment by means of collective bargaining.

6. The system of labour administration should include a system of labour inspection.

Labour relations

7. The competent bodies within the system of labour administration should participate in the determination and application of such measures as may be necessary to ensure the free exercise of employers' and workers' right of association.

8. (1) There should be labour administration programmes aimed at the promotion, establishment and pursuit of labour relations which encourage progressively better conditions of work and working life and which respect the right to organise and bargain collectively.

(2) The competent bodies within the system of labour administration should assist in the improvement of labour relations by providing or strengthening advisory services to undertakings, employers' organisations and workers' organisations requesting such services, in accordance with programmes established on the basis of consultation with such organisations.

9. The competent bodies within the system of labour administration should promote the full development and utilisation of machinery for voluntary negotiation.

10. The competent bodies within the system of labour administration should be in a position to provide, in agreement with the employers' and workers' organisations concerned, conciliation and mediation facilities, appropriate to national conditions, in case of collective disputes.

Employment

11. (1) The competent bodies within the system of labour administration should be responsible for or participate in the preparation, administration, co-ordination, checking and review of national employment policy.

(2) A central body of the system of labour administration, to be determined in accordance with national laws or regulations, or national practice, should be closely associated with, or responsible for taking, appropriate institutional measures to co-ordinate the activities of the various authorities and bodies which are concerned with particular aspects of employment policy.

12. The competent bodies within the system of labour administration should co-ordinate, or participate in the co-ordination of, employment services, employment promotion and creation programmes, vocational guidance and vocational training programmes and unemployment benefit schemes, and they should co-ordinate, or participate in the co-ordination of, these various services, programmes and schemes with the implementation of general employment policy measures.

13. The competent bodies within the system of labour administration should be responsible for establishing, or promoting the establishment of, methods and procedures for ensuring consultation of employers' and workers' organisations, or – where appropriate – employers' and workers' representatives, on employment policies, and promotion of their co-operation in the implementation of such policies.

14. (1) The competent bodies within the system of labour administration should be responsible for manpower planning or where this is not possible should participate in the functioning of manpower planning bodies through both institutional representation and the provision of technical information and advice.

(2) They should participate in the co-ordination and integration of manpower plans with economic plans.

(3) They should promote joint action of employers and workers, with the assistance as appropriate of public authorities and bodies, regarding both short-and long-term employment policies.

15. The system of labour administration should include a free public employment service and operate such a service effectively.

16. The competent bodies within the system of labour administration should, wherever national laws and regulations, or national practice, so permit, have or share responsibility for the management of public funds made available for such purposes as countering underemployment and unemployment, regulating the regional distribution of employment, or promoting and assisting the employment of particular categories of workers, including sheltered employment schemes.

17. The competent bodies within the system of labour administration should, in a manner and under conditions determined by national laws or regulations, or national practice, participate in the development of comprehensive and concerted policies and programmes of human resources development including vocational guidance and vocational training.

Research in labour matters

18. For the fulfilment of its social objectives, the system of labour administration should carry out research as one of its important functions and encourage research by others.

III. Organisation of the national system of labour administration

Co-ordination

19. The ministry of labour or another comparable body determined by national laws or regulations, or national practice, should take or initiate measures ensuring appropriate representation of the system of labour administration in the administrative and consultative bodies in which information is collected, opinions are considered, decisions are prepared and taken and measures of implementation are devised with respect to social and economic policies.

20. (1) Each of the principal labour administration services competent with respect to the matters referred to in Paragraphs 5 to 18 above should provide periodic information or reports on its activities to the ministry of labour or the other comparable body referred to in Paragraph 19, as well as to employers' and workers' organisations.

(2) Such information or reports should be of a technical nature, include appropriate statistics, and indicate the problems encountered and if possible the results achieved in such a manner as to permit an evaluation of present trends and foreseeable future developments in areas of major concern to the system of labour administration.

(3) The system of labour administration should evaluate, publish and disseminate such information of general interest on labour matters as it is able to derive from its operation.

(4) Members, in consultation with the International Labour Office, should seek to promote the establishment of suitable models for the publication of such information, with a view to improving its international comparability.

21. The structures of the national system of labour administration should be kept constantly under review, in consultation with the most representative organisations of employers and workers.

Resources and staff

22. (1) Appropriate arrangements should be made to provide the system of labour administration with the necessary financial resources and an adequate number of suitably qualified staff to promote its effectiveness.

(2) In this connection, due account should be taken of:

- (a) the importance of the duties to be performed;
- (b) the material means placed at the disposal of the staff;
- (c) the practical conditions under which the various functions must be carried out in order to be effective.

23. (1) The staff of the labour administration system should receive initial and further training at levels suitable for their work; there should be permanent arrangements to ensure that such training is available to them throughout their careers.

(2) Staff in particular services should have the special qualifications required for such services, ascertained in a manner determined by the appropriate body.

24. Consideration should be given to supplementing national programmes and facilities for the training envisaged in Paragraph 23 above by international co-operation in the form of exchanges of experience and information and of common initial and further training programmes and facilities, particularly at the regional level.

Internal organisation

25. (1) The system of labour administration should normally comprise specialised units to deal with each of the major programmes of labour administration the management of which is entrusted to it by national laws or regulations.

(2) For example, there might be units for such matters as the formulation of standards relating to working conditions and terms of employment; labour inspection; labour relations; employment, manpower planning and human resources development; international labour affairs; and, as appropriate, social security, minimum wage legislation and questions relating to specific categories of workers.

Field services

26. (1) There should be appropriate arrangements for the effective organisation and operation of the field services of the system of labour administration.

(2) In particular, these arrangements should:

- (a) ensure that the placing of field services corresponds to the needs of the various areas, the representative organisations of employers and workers concerned being consulted thereon;
- (b) provide field services with adequate staff, equipment and transport facilities for the effective performance of their duties;
- (c) ensure that field services have sufficient and clear instructions to preclude the possibility of laws and regulations being differently interpreted in different areas.

Labour Statistics Convention, 1985 (No. 160)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	24 Apr 1988	Geneva, ILC 71st Session (25 June 1985)	49

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-first Session on 7 June 1985, and

Having decided upon the adoption of certain proposals with regard to the revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), which is the fifth item on the agenda of the session, and

Considering that these proposals should take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and eighty-five the following Convention, which may be cited as the Labour Statistics Convention, 1985:

I. General provisions

Article 1

Each Member which ratifies this Convention undertakes that it will regularly collect, compile and publish basic labour statistics, which shall be progressively expanded in accordance with its resources to cover the following subjects:

- (a) economically active population, employment, where relevant unemployment, and where possible visible underemployment;
- (b) structure and distribution of the economically active population, for detailed analysis and to serve as benchmark data;
- (c) average earnings and hours of work (hours actually worked or hours paid for) and, where appropriate, time rates of wages and normal hours of work;
- (d) wage structure and distribution;
- (e) labour cost;
- (f) consumer price indices;
- (g) household expenditure or, where appropriate, family expenditure and, where possible, household income or, where appropriate, family income;
- (h) occupational injuries and, as far as possible, occupational diseases; and
- (i) industrial disputes.

Article 2

In designing or revising the concepts, definitions and methodology used in the collection, compilation and publication of the statistics required under this Convention, Members shall take into consideration the latest standards and guidelines established under the auspices of the International Labour Organisation.

Article 3

In designing or revising the concepts, definitions and methodology used in the collection, compilation and publication of the statistics required under this Convention, the representative organisations of employers and workers, where they exist, shall be consulted with a view to taking into account their needs and to ensuring their co-operation.

Article 4

Nothing in this Convention shall impose an obligation to publish or reveal data which could result in the disclosure in any way of information relating to an individual statistical unit, such as a person, a household, an establishment or an enterprise.

Article 5

Each Member which ratifies this Convention undertakes to communicate to the International Labour Office, as soon as practicable, the published statistics compiled in pursuance of the Convention and information concerning their publication, in particular-

- (a) the reference information appropriate to the means of dissemination used (titles and reference numbers in the case of printed publications and the equivalent descriptions in the case of data disseminated in other forms); and
- (b) the most recent dates or periods for which the different types of statistics are available, and the dates of their publication or release.

Article 6

Detailed descriptions of the sources, concepts, definitions and methodology used in collecting and compiling statistics in pursuance of this Convention shall be:

- (a) produced and updated to reflect significant changes;
- (b) communicated to the International Labour Office as soon as practicable; and
- (c) published by the competent national body.

II. Basic labour statistics

Article 7

Current statistics of the economically active population, employment, where relevant unemployment, and where possible visible underemployment, shall be compiled in such a way as to be representative of the country as a whole.

Article 8

Statistics of the structure and distribution of the economically active population shall be compiled in such a way as to be representative of the country as a whole, for detailed analysis and to serve as benchmark data.

Article 9

1. Current statistics of average earnings and hours of work (hours actually worked or hours paid for) shall be compiled covering all important categories of employees and all important branches of economic activity, and in such a way as to be representative of the country as a whole.

2. Where appropriate, statistics of time rates of wages and normal hours of work shall be compiled covering important occupations or groups of occupations in important branches of economic activity, and in such a way as to be representative of the country as a whole.

Article 10

Statistics of wage structure and distribution shall be compiled covering employees in important branches of economic activity.

Article 11

Statistics of labour cost shall be compiled covering important branches of economic activity. Where possible, these statistics shall be consistent with data on employment and hours of work (hours actually worked or hours paid for) of the same scope.

Article 12

Consumer price indices shall be computed in order to measure variations over time in the prices of items representative of the consumption patterns of significant population groups or of the total population.

Article 13

Statistics of household expenditure or, where appropriate, family expenditure and, where possible, household income or, where appropriate, family income shall be compiled covering all types and sizes of private households or families, and in such a way as to be representative of the country as a whole.

Article 14

1. Statistics of occupational injuries shall be compiled in such a way as to be representative of the country as a whole, covering, where possible, all branches of economic activity.

2. As far as possible, statistics of occupational diseases shall be compiled covering all branches of economic activity, and in such a way as to be representative of the country as a whole.

Article 15

Statistics of industrial disputes shall be compiled in such a way as to be representative of the country as a whole, covering, where possible, all branches of economic activity.

III. Acceptance of obligations*Article 16*

1. Each Member which ratifies this Convention shall, in pursuance of the general obligations referred to in Part I, accept the obligations of the Convention in respect of one or more of the Articles of Part II.

2. Each Member shall specify in its ratification the Article or Articles of Part II in respect of which it accepts the obligations of this Convention.

3. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more of the Articles of Part II which were not already specified in its ratification. These notifications shall have the force of ratification as from the date of their communication.

4. Each Member which has ratified this Convention shall state, in its reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, the position of its law and practice on the subjects covered by the Articles of Part II in respect of which it has not accepted the obligations of the Convention and the extent to which effect is given or is proposed to be given to the Convention in respect of such subjects.

Article 17

1. A Member may limit initially the scope of the statistics referred to in the Article or Articles of Part II in respect of which it has accepted the obligations of this Convention to specified categories of workers, sectors of the economy, branches of economic activity or geographical areas.

2. Each Member which limits the scope of the statistics in pursuance of paragraph 1 of this Article shall indicate in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, the Article or Articles of Part II to which the limitation applies, stating the nature of and reasons for such limitation, and shall state in subsequent reports the extent to which it has been possible or it is proposed to extend the scope to other categories of workers, sectors of the economy, branches of economic activity or geographical areas.

3. After consulting the representative organisations of employers and workers concerned, a Member may, by a declaration communicated to the Director-General of the International Labour Office in the month following each anniversary of the coming into force of the Convention, introduce subsequent limitations on the technical scope of the statistics covered by the Article or Articles of Part II in respect of which it has accepted the obligations of the Convention. Such declarations shall take effect one year after the date on which they are registered. Each Member which introduces such limitations shall provide in its reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation the particulars referred to in paragraph 2 of this Article.

Article 18

This Convention revises the Convention concerning Statistics of Wages and Hours of Work, 1938.

Labour Statistics Recommendation, 1985 (No. 170)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 71st Session (25 June 1985)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-first Session on 7 June 1985, and

Recognising the need for reliable labour statistics both in developed and in developing countries, particularly for the purposes of planning and monitoring social and economic progress, as well as for industrial relations,

Having decided upon the adoption of certain proposals with regard to the revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Statistics Convention, 1985,

adopts this twenty-fifth day of June of the year one thousand nine hundred and eighty-five, the following Recommendation, which may be cited as the Labour Statistics Recommendation, 1985:

I. Basic labour statistics

Statistics of the economically active population, employment, unemployment and underemployment

1. (1) Current statistics of the economically active population, employment, where relevant unemployment, and where possible visible underemployment should be compiled at least once a year.

(2) These statistics should be classified according to sex and, where possible, age group and branch of economic activity.

2. (1) With a view to meeting long-term needs for detailed analysis and for benchmark purposes, statistics of the structure and distribution of the economically active population should be compiled at least once every ten years.

(2) These statistics should be classified at least according to sex, age group, occupational group or level of qualifications, branch of economic activity, geographical area and status in employment (such as employer, own-account worker, employee, unpaid family worker, member of producers' co-operative).

Statistics of wages and hours of work

3. (1) Current statistics of average earnings and hours of work (hours actually worked or hours paid for) should be compiled at least once a year.

(2) These statistics should be classified at least according to branch of economic activity and sex, where relevant according to size of establishment and geographical area and, where possible, age group and occupational group or level of qualifications.

4. (1) Where appropriate, current statistics of time rates of wages and normal hours of work should be compiled at least once a year.

(2) These statistics should be classified at least according to branch of economic activity and, where relevant, according to sex, age group, occupation or occupational group or level of qualifications, size of establishment and geographical area.

5. (1) With a view to meeting long-term needs for detailed analysis and for benchmark purposes, statistics of wage structure and distribution should be compiled at regular intervals, if possible once every five years.

(2) These statistics should provide:

- (a) data on earnings and hours of work (hours actually worked or hours paid for) classified at least according to sex, age group, occupation or occupational group or level of qualifications, branch of economic activity, size of establishment and geographical area;
- (b) detailed data on the composition of earnings (such as basic pay, premium pay for overtime, remuneration for time not worked and bonuses and gratuities) and of hours of work (hours actually worked or hours paid for); and
- (c) data on the distribution of employees according to levels of earnings and hours of work (hours actually worked or hours paid for), classified according to important characteristics of employees, such as sex and age group.

6. (1) With a view to meeting long-term needs, statistics of labour cost should be compiled at least once every five years.

(2) These statistics should provide data on the level and composition of labour cost, classified according to branch of economic activity.

Consumer price indices

7. (1) A general consumer price index should be computed and published for significant population groups or for the total population, covering all groups of consumption items.

(2) Consumer price indices should be published separately for important groups of consumption items, such as food, drink and tobacco; clothing and footwear; housing; fuel and lighting; and other significant categories.

8. The consumer price indices should be computed and published, if possible once a month, but at least once every three months.

9. The weights used to compute the consumer price indices should be reviewed at least once every ten years, and adjusted when significant changes in the consumption patterns are revealed.

10. The prices used to compute the consumer price indices should be representative of the respective purchasing habits (for example, regarding outlets and the nature and quality of articles) of the population groups concerned.

Statistics of household expenditure and household income

11. (1) Statistics of household expenditure or, where appropriate, family expenditure and, where possible, household income or, where appropriate, family income, should be compiled at least once every ten years.

(2) These statistics should provide, inter alia, in respect of households or families as the case may be:

- (a) detailed data on expenditure;
- (b) where possible, detailed data on income according to level and source of income;
- (c) detailed data on their composition, according to sex, age group and other significant characteristics of their members; and
- (d) data on expenditure and, where possible, income, classified according to their size and type, expenditure class and, where possible, income class.

Statistics of occupational injuries and occupational diseases

12. (1) Statistics of occupational injuries should be compiled at least once a year.

(2) These statistics should be classified at least according to branch of economic activity and, as far as possible, according to significant characteristics of employees (such as sex, age group and occupation or occupational group or level of qualifications) and of establishments.

13. (1) As far as possible, statistics of occupational diseases should be compiled at least once a year.

(2) These statistics should be classified at least according to branch of economic activity and, as far as possible, according to significant characteristics of employees (such as sex, age group and occupation or occupational group or level of qualifications) and of establishments.

Statistics of industrial disputes

14. (1) Statistics of industrial disputes should be compiled at least once a year.
- (2) These statistics should be classified at least according to branch of economic activity.

Statistics of productivity

15. Statistics of productivity should be progressively developed and compiled covering important branches of economic activity.

II. Statistical infrastructure

16. For the purposes of collecting and compiling the labour statistics in pursuance of Part I of this Recommendation, Members should progressively develop the appropriate national statistical infrastructure. The major elements of such an infrastructure should include:

- (a) a comprehensive and up-to-date register of establishments or enterprises for the purposes of surveys or censuses; such a register should be sufficiently detailed to permit the selection of samples of establishments or enterprises;
- (b) a co-ordinated system for the implementation of surveys or censuses of establishments or enterprises;
- (c) a capability for the implementation of a continuous and co-ordinated series of national surveys of households or individuals; and
- (d) access for statistical purposes, with appropriate safeguards for their confidential use, to administrative records (such as those of employment services, social security bodies, labour inspection services).

17. Members should establish appropriate national standard classifications, and should encourage and co-ordinate the observance as far as possible of these classifications by all bodies concerned.

18. Members should take the necessary steps to harmonise the statistics compiled in pursuance of this Recommendation from different sources and by different bodies.

19. (1) In designing or revising the concepts, definitions and methodology used in the collection, compilation and publication of the statistics provided for in this Recommendation, Members should take into consideration the international recommendations on labour statistics established under the auspices of the International Labour Organisation, and relevant recommendations of other competent international organisations.

(2) Members should review and, if appropriate, revise or update the concepts, definitions and classifications used in compiling labour statistics in pursuance of this Recommendation when the relevant international standards and guide-lines are revised, or when new ones are established.

20. In designing or revising the concepts, definitions and methodology used in the collection, compilation and publication of the statistics provided for in the Labour Statistics Convention, 1985, and in this Recommendation, Members might seek assistance from the International Labour Office.

Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	26 July 1955	Geneva, ILC 30th Session (11 July 1947)	11 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning labour inspectorates in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947:

Article 1

Labour inspection services complying with the requirements of Articles 2 to 5 of this Convention shall be maintained in non-metropolitan territories.

Article 2

Labour inspection services shall consist of suitably trained inspectors.

Article 3

Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

Article 4

1. Inspectors appointed by the competent authority and provided with credentials shall be required to inspect conditions of employment at frequent intervals.

2. Inspectors shall be authorised by law to exercise the following powers for the purpose of carrying out their duties:

- (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection where they may have reasonable cause to believe that persons enjoying legal protection are employed, and to inspect such workplaces;
- (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and
- (c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed and, in particular:
 - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions, or to apply for information to any other person whose evidence they may consider necessary;
 - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;

- (iii) to enforce the posting of notices required by the legal provisions;
- (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for this purpose.

3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 5

Subject to such exceptions as may be made by law or regulation, labour inspectors:

- (a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and
- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 6

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 12, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 7

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of

that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 12, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 8

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 9

When a declaration undertaking that the provisions of the Labour Inspection Convention, 1947, shall be applied in respect of any territory has been communicated to the Director-General of the International Labour Office in pursuance of Article 30 of that Convention, or a declaration accepting the obligations of that Convention in respect of any territory has been so communicated in pursuance of Article 31 thereof, the provisions of this Convention shall cease to apply in respect of such territory.

Employment policy and promotion

G

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1. Governance Convention on employment policy (and related Recommendations)

Employment Policy Convention, 1964 (No. 122)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date governance – priority – instrument	15 July 1966	Geneva, ILC 48th Session (9 July 1964)	108

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organisation provides for the prevention of unemployment and the provision of an adequate living wage, and

Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organisation to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, and

Considering that the Universal Declaration of Human Rights provides that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”, and

Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and

Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and

Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Employment Policy Convention, 1964:

Article 1

1. With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

2. The said policy shall aim at ensuring that:

- (a) there is work for all who are available for and seeking work;
- (b) such work is as productive as possible;
- (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

3. The said policy shall take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices.

Article 2

Each Member shall, by such methods and to such extent as may be appropriate under national conditions:

- (a) decide on and keep under review, within the framework of a co-ordinated economic and social policy, the measures to be adopted for attaining the objectives specified in Article 1;
- (b) take such steps as may be needed, including when appropriate the establishment of programmes, for the application of these measures.

Article 3

In the application of this Convention, representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, shall be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full co-operation in formulating and enlisting support for such policies.

Employment Policy Recommendation, 1964 (No. 122)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 48th Session (9 July 1964)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organisation provides for the prevention of unemployment and the provision of an adequate living wage, and

Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organisation to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering that the Universal Declaration of Human Rights provides that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, and

Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and

Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and

Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this ninth day of July of the year one thousand nine hundred and sixty-four, the following Recommendation, which may be cited as the Employment Policy Recommendation, 1964:

I. Objectives of employment policy

1. (1) With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member should declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

(2) The said policy should aim at ensuring that:

- (a) there is work for all who are available for and seeking work;
- (b) such work is as productive as possible;
- (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

(3) The said policy should take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and should be pursued by methods that are appropriate to national conditions and practice.

II. General principles of employment policy

2. The aims of employment policy should be clearly and publicly defined, wherever possible in the form of quantitative targets for economic growth and employment.

3. Representatives of employers and workers and their organisations should be consulted in formulating policies for the development and use of human capacities, and their co-operation should be sought in the implementation of such policies, in the spirit of the Consultation (Industrial and National Levels) Recommendation, 1960.

4. (1) Employment policy should be based on analytical studies of the present and future size and distribution of the labour force, employment, unemployment and underemployment.

(2) Adequate resources should be devoted to the collection of statistical data, to the preparation of analytical studies and to the distribution of the results.

5. (1) Each Member should recognise the importance of building up the means of production and developing human capacities fully, for example through education, vocational guidance and training, health services and housing, and should seek and maintain an appropriate balance in expenditure for these different purposes.

(2) Each Member should take the necessary measures to assist workers, including young people and other new entrants to the labour force, in finding suitable and productive employment and in adapting themselves to the changing needs of the economy.

(3) In the application of this Paragraph particular account should be taken of the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Employment Service Convention and Recommendation, 1948.

6. (1) Employment policy should be co-ordinated with, and carried out within the framework of, over-all economic and social policy, including economic planning or programming in countries where these are used as instruments of policy.

(2) Each Member should, in consultation with and having regard to the autonomy and responsibility in certain of the areas concerned of employers and workers and their organisations, examine the relationship between measures of employment policy and other major decisions in the sphere of economic and social policy, with a view to making them mutually reinforcing.

7. (1) Where there are persons available for and seeking work for whom work is not expected to be available in a reasonably short time, the government should examine and explain in a public statement how their needs will be met.

(2) Each Member should, to the fullest extent permitted by its available resources and level of economic development, adopt measures taking account of international standards in the field of social security and of Paragraph 5 of this Recommendation to help unemployed and underemployed persons during all periods of unemployment to meet their basic needs and those of their dependants and to adapt themselves to opportunities for further useful employment.

III. General and selective measures of employment policy

General considerations

8. Employment problems attributable to fluctuations in economic activity, to structural changes and especially to an inadequate level of activity should be dealt with by means of:

- (a) general measures of economic policy; and
- (b) selective measures directly connected with the employment of individual workers or categories of workers.

9. The choice of appropriate measures and their timing should be based on careful study of the causes of unemployment with a view to distinguishing the different types.

General measures: long term

10. General economic measures should be designed to promote a continuously expanding economy possessing a reasonable degree of stability, which provides the best environment for the success of selective measures of employment policy.

General measures: short term

11. (1) Measures of a short-term character should be planned and taken to prevent the emergence of general unemployment or underemployment associated with an inadequate level of economic activity, as well as to counterbalance inflationary pressure associated with a lack of balance in the employment market. At times when these conditions are present or threaten to appear, action should be taken to increase or, where appropriate, to reduce private consumption, private investment and/or government current or investment expenditure.

(2) In view of the importance of the timing of counter-measures, whether against recession, inflation or other imbalances, governments should, in accordance with national constitutional law, be vested with powers permitting such measures to be introduced or varied at short notice.

Selective measures

12. Measures should be planned and taken to even out seasonal fluctuations in employment. In particular, appropriate action should be taken to spread the demand for the products and services of workers in seasonal occupations more evenly throughout the year or to create complementary jobs for such workers.

13. (1) Measures should be planned and taken to prevent the emergence and growth of unemployment or underemployment resulting from structural changes, and to promote and facilitate the adaptation of production and employment to such changes.

(2) For the purpose of this Recommendation the term *structural change* means long-term and substantial change taking the form of shifts in demand, of the emergence of new sources of supply, national or foreign (including supplies of goods from countries with lower costs of production) or of new techniques of production, or of changes in the size of the labour force.

(3) The dual objective of measures of adaptation to structural changes should be:

- (a) to obtain the greatest benefit from economic and technical progress;
- (b) to protect from financial or other hardship groups and individuals whose employment is affected by structural changes.

14. (1) To this end, and to avoid the loss of production entailed by delays in filling vacancies, Members should establish and adequately finance programmes to help workers to find and fit themselves for new jobs.

(2) Such programmes should include:

- (a) the operation of an effective employment service, taking account of the provisions of the Employment Service Convention and Recommendation, 1948;
- (b) the provision or encouragement of training and retraining facilities designed to enable workers to acquire the qualifications needed for lasting employment in expanding occupations, taking account of the provisions of the Vocational Training Recommendation, 1962;
- (c) the co-ordination of housing policy with employment policy, by the provision of adequate housing and community facilities in places where there are job vacancies, and the provision of removal grants for workers and their dependants by the employer or out of public funds.

15. Special priority should be given to measures designed to remedy the serious, and in some countries growing, problem of unemployment among young people. In the arrangements for young persons envisaged in the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, and the Vocational Training Recommendation, 1962, full account should be taken of the trends of structural change, so as to ensure the development and the use of the capacities of young persons in relation to the changing needs of the economy.

16. Efforts should be made to meet the particular needs of categories of persons who encounter special difficulties as a result of structural change or for other reasons, such as older workers, disabled persons and other workers who may find it particularly difficult to change their places of residence or their occupations.

17. Special attention should be given to the employment and income needs of lagging regions and of areas where structural changes affect large numbers of workers, in order to bring about a better balance of economic activity throughout the country and thus to ensure a productive utilisation of all resources.

18. (1) When structural changes of exceptional magnitude occur, measures of the kinds provided for in Paragraphs 13 to 17 of this Recommendation may need to be accompanied by measures to avoid large-scale, sudden dislocation and to spread the impact of the change or changes over a reasonable period of time.

(2) In such cases governments, in consultation with all concerned, should give early consideration to the determination of the best means, of a temporary and exceptional nature, to facilitate the adaptation to the structural changes of the industries affected, and should take action accordingly.

19. Appropriate machinery to promote and facilitate the adaptation of production and employment to structural changes, with clearly defined responsibilities in regard to the matters dealt with in Paragraphs 13 to 18 of this Recommendation, should be established.

20. (1) Employment policy should take account of the common experience that, as a consequence of technological progress and improved productivity, possibilities arise for more leisure and intensified educational activities.

(2) Efforts should be made to take advantage of these possibilities by methods appropriate to national conditions and practice and to conditions in each industry; these methods may include:

- (a) reduction of hours of work without a decrease in wages, within the framework of the Reduction of Hours of Work Recommendation, 1962;
- (b) longer paid holidays;
- (c) later entry into the labour force, combined with more advanced education and training.

IV. Employment problems associated with economic underdevelopment

Investment and income policy

21. In developing countries employment policy should be an essential element of a policy for promoting growth and fair sharing of national incomes.

22. With a view to achieving a rapid expansion of production, investment and employment, Members should seek the views and active participation of employers and workers, and their organisations, in the elaboration and application of national economic development policy, and of the various aspects of social policy, in accordance with the Consultation (Industrial and National Levels) Recommendation, 1960.

23. (1) In countries where a lack of employment opportunities is associated with a shortage of capital, all appropriate measures should be taken to expand domestic savings and to encourage the inflow of financial resources from other countries and from international agencies, with a view to increasing productive investment without prejudicing the national sovereignty or the economic independence of the recipient countries.

(2) In order to utilise the resources available to these countries rationally and to increase employment therein as far as possible, it would be desirable for them to co-ordinate their investments and other development efforts with those of other countries, especially in the same region.

Promotion of industrial employment

24. (1) Members should have regard to the paramount need for the establishment of industries, public or private, which are based on available raw materials and power, which correspond to the changing pattern of demand in domestic and foreign markets and which use modern techniques and appropriate research, in order to create additional employment opportunities on a long-term basis.

(2) Members should make every effort to reach a stage of industrial development which ensures, within the framework of a balanced economy, the maximum economic production of finished products, utilising local manpower.

(3) Particular attention should be given to measures promoting efficient and low-cost production, diversification of the economy and balanced regional economic development.

25. Besides promoting modern industrial development, Members should, subject to technical requirements, explore the possibility of expanding employment by:

- (a) producing, or promoting the production of, more goods and services requiring much labour;
- (b) promoting more labour-intensive techniques, in circumstances where these will make for more efficient utilisation of available resources.

26. Measures should be taken:

- (a) to promote fuller utilisation of existing industrial capacity to the extent compatible with the requirements of domestic and export markets, for instance by more extensive introduction of multiple shifts, with due regard to the provision of amenities for workers on night shift and to the need for training a sufficient number of key personnel to permit efficient operation of multiple shifts;
- (b) to create handicrafts and small-scale industries and to assist them to adapt themselves to technological advances and changes in market conditions so that they will be able to provide increasing employment without becoming dependent on such protective measures or special privileges as would impede economic growth; to this end the development of co-operatives should be encouraged and efforts should be made to establish a complementary relationship between small-scale and large-scale industry and to develop new outlets for the products of industry.

Promotion of rural employment

27. (1) Within the framework of an integrated national policy, countries in which there is much rural underemployment should place special emphasis on a broadly based programme to promote productive employment in the rural sector by a combination of measures, institutional and technical, relying as fully as possible on the efforts of the persons concerned. Such a programme should be founded on adequate study of the nature, prevalence and regional distribution of rural underemployment.

(2) Major objectives should be to create incentives and social conditions favourable to fuller utilisation of local manpower in rural development, and to improve productivity and quality of output. Means appropriate to local conditions should be determined, where possible, by adequate research and the instigation of multi-purpose pilot projects.

(3) Special attention should be devoted to the need for promoting opportunities for productive employment in agriculture and animal husbandry.

(4) Institutional measures for the promotion of productive employment in the rural section should include agrarian reforms, adapted to the needs of the country, including land reform and improvement of land tenure; reform in methods of land taxation; extension of credit facilities; development of improved marketing facilities; and promotion of co-operative organisation in production and marketing.

Population growth

28. Countries in which the population is increasing rapidly, and especially those in which it already presses heavily on the economy, should study the economic, social and demographic factors affecting population growth with a view to adopting economic and social policies that make for a better balance between the growth of employment opportunities and the growth of the labour force.

V. Action by employers and workers and their organisations

29. (1) Employers and workers in the public and private sectors, and their organisations, should take all practicable measures to promote the achievement and maintenance of full, productive and freely chosen employment.

(2) In particular, they should:

- (a) consult one another, and as appropriate the competent public authorities, employment services or similar institutions, as far in advance as possible, with a view to working out mutually satisfactory adjustments to changes in the employment situation;
- (b) study trends in the economic and employment situation, and in technical progress, and propose as appropriate, and in good time, such action by governments and by public and private undertakings as may safeguard within the framework of the general interest the employment security and opportunities of the workers;
- (c) promote wider understanding of the economic background, of the reasons for changes in employment opportunities in specific occupations, industries or regions, and of the necessity of occupational and geographical mobility of manpower;
- (d) strive to create a climate which, without prejudicing national sovereignty, economic independence or freedom of association, will encourage increased investment from both domestic and foreign sources, with positive effects on the economic growth of the country;
- (e) provide or seek the provision of facilities such as training and retraining facilities, and related financial benefits;
- (f) promote wage, benefit and price policies that are in harmony with the objectives of full employment, economic growth, improved standards of living and monetary stability, without endangering the legitimate objectives pursued by employers and workers and their organisations; and
- (g) respect the principle of equality of opportunity and treatment in employment and occupation, taking account of the provisions of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958.

(3) In consultation and co-operation as appropriate with workers' organisations and/or representatives of workers at the level of the undertaking, and having regard to national economic and social conditions, measures should be taken by undertakings to counteract unemployment, to help workers find new jobs, to increase the number of jobs available and to minimise the consequences of unemployment; such measures may include:

- (a) retraining for other jobs within the undertaking;
- (b) transfers within the undertaking;
- (c) careful examination of, and action to overcome, obstacles to increasing shift work;

- (d) the earliest possible notice to workers whose employment is to be terminated, appropriate notification to public authorities, and some form of income protection for workers whose employment has been terminated, taking account of the provisions of the Termination of Employment Recommendation, 1963.

VI. International action to promote employment objectives

30. Members, with the assistance as appropriate of intergovernmental and other international organisations, should co-operate in international action to promote employment objectives, and should, in their internal economic policy, seek to avoid measures which have a detrimental effect on the employment situation and the general economic stability in other countries, including the developing countries.

31. Members should contribute to all efforts to expand international trade as a means of promoting economic growth and expansion of employment opportunities. In particular, they should take all possible measures to diminish unfavourable repercussions on the level of employment of fluctuations in the international terms of trade and of balance-of-payments and liquidity problems.

32. (1) Industrialised countries should, in their economic policies, including policies for economic co-operation and for expanding demand, take into account the need for increased employment in other countries, in particular in the developing countries.

(2) They should, as rapidly as their circumstances permit, take measures to accommodate increased imports of products, manufactured, processed and semi-processed as well as primary, that can be economically produced in developing countries, thus promoting mutual trade and increased employment in the production of exports.

33. International migration of workers for employment which is consistent with the economic needs of the countries of emigration and immigration, including migration from developing countries to industrialised countries, should be facilitated, taking account of the provisions of the Migration for Employment Convention and Recommendation (Revised), 1949, and the Equality of Treatment (Social Security) Convention, 1962.

34. (1) In international technical co-operation through multilateral and bilateral channels special attention should be paid to the need to develop active employment policies.

(2) To this end, such co-operation should include:

- (a) advice in regard to employment policy and employment market organisation as essential elements in the field of general development planning and programming; and
- (b) co-operation in the training of qualified local personnel, including technical personnel and management staff.

(3) Technical co-operation programmes relating to training should aim at providing the developing countries with suitable facilities for training within the country or region. They should also include adequate provision for the supply of equipment. As a complementary measure, facilities should also be provided for the training of nationals of developing countries in industrialised countries.

(4) Members should make all efforts to facilitate the release for suitable periods, both from governmental and non-governmental employment, of highly qualified experts in the various fields of employment policy for work in developing countries. Such efforts should include arrangements to make such release attractive to the experts concerned.

(5) In the preparation and implementation of technical co-operation programmes, the active participation of employers' and workers' organisations in the countries concerned should be sought.

35. Members should encourage the international exchange of technological processes with a view to increasing productivity and employment, by means such as licensing and other forms of industrial co-operation.

36. Foreign-owned undertakings should meet their staffing needs by employing and training local staff, including management and supervisory personnel.

37. Arrangements should be made, where appropriate on a regional basis, for periodical discussions and exchange of experience of employment policies, particularly employment policies in developing countries, with the assistance as appropriate of the International Labour Office.

VII. Suggestions concerning methods of application

38. In applying the provisions of this Recommendation, each Member of the International Labour Organisation and the employers' and workers' organisations concerned should be guided, to the extent possible and desirable, by the suggestions concerning methods of application set forth in the Annex.

ANNEX

Suggestions concerning methods of application

I. General and selective measures of employment policy

1. (1) Each Member should:

- (a) make continuing studies of the size and distribution of the labour force and the nature and extent of unemployment and underemployment and trends therein, including, where possible, analyses of:
 - (i) the distribution of the labour force by age, sex, occupational group, qualifications, regions and economic sectors; probable future trends in each of these; and the effects of demographic factors, particularly in developing countries with rapid population growth, and of technological change on such trends;
 - (ii) the volume of productive employment currently available and likely to be available at different dates in the future in different economic sectors, regions and occupational groups, account being taken of projected changes in demand and productivity;
- (b) make vigorous efforts, particularly through censuses and sample surveys, to improve the statistical data needed for such studies;
- (c) undertake and promote the collection and analysis of current indicators of economic activity, and the study of trends in the evolution of new techniques in the different sectors of industry both at home and abroad, particularly as regards automation, with a view, inter alia, to distinguishing short-term fluctuations from longer-term structural changes;
- (d) make short-term forecasts of employment, underemployment and unemployment sufficiently early and in sufficient detail to provide a basis for prompt action to prevent or remedy either unemployment or shortages of labour;
- (e) undertake and promote studies of the methods and results of employment policies in other countries.

(2) Members should make efforts to provide those responsible for collective bargaining with information on the results of studies of the employment situation undertaken in the International Labour Office and elsewhere, including studies of the impact of automation.

2. Attainment of the social objectives of employment policy requires co-ordination of employment policy with other measures of economic and social policy, in particular measures affecting:

- (a) investment, production and economic growth;
- (b) the growth and distribution of incomes;
- (c) social security;
- (d) fiscal and monetary policies, including anti-inflationary and foreign exchange policies; and
- (e) the promotion of freer movement of goods, capital and labour between countries.

3. With a view to promoting stability of production and employment, consideration should be given to the possibility of making more use of fiscal or quasi-fiscal measures designed to exert an automatic stabilising influence and to maintain a satisfactory level of consumer income and investment.

4. Measures designed to stabilise employment may further include:

- (a) fiscal measures in respect of tax rates and investment expenditure;
- (b) stimulation, or restraint, of economic activity by appropriate measures of monetary policy;
- (c) increased, or reduced, expenditure on public works or other public investment of a fundamental nature, for example roads, railways, harbours, schools, training centres and hospitals; Members

should plan during periods of high employment to have a number of useful but postponable public works projects ready to be put into operation in times of recession;

- (d) measures of a more specific character, such as increased government orders to a particular branch of industry in which recession threatens to provoke a temporary decline in the level of activity.

5. Measures to even out seasonal fluctuations in employment may include:

- (a) the application of new techniques to make it possible for work to be carried out under conditions in which it would have been impracticable without these techniques;
- (b) the training of workers in seasonal occupations for complementary occupations;
- (c) planning to counteract seasonal unemployment or underemployment; special attention should be given to the co-ordination of the activities of the different public authorities and private enterprises concerned with building and construction operations, so as to ensure continuity of activity to meet the employment needs of workers.

6. (1) The nature of the special difficulties which may be encountered as a result of structural changes by the categories of persons referred to in Paragraph 16 of the Recommendation should be ascertained by the competent authority and appropriate action recommended.

(2) Special measures should be taken to provide suitable work for these groups and to alleviate hardship.

(3) In cases where older or disabled workers face great difficulty in adjusting to structural changes, adequate benefits for such workers should be provided within the framework of the social security system, including, where appropriate, retirement benefits at an age below that normally prescribed.

7. (1) When structural changes affect large numbers of workers concentrated in a particular area and especially if the competitive strength of the area as a whole is impaired, Members should provide, and should, by the provision of effective incentives and consultation with the representatives of employers and workers, encourage individual enterprises to provide, additional employment in the area, based on comprehensive policies of regional development.

(2) Measures taken to this end may include:

- (a) the diversification of existing undertakings or the promotion of new industries;
- (b) public works or other public investment including the expansion or the setting up of public undertakings;
- (c) information and advice to new industries as to conditions of establishment;
- (d) measures to make the area more attractive to new industries, for example through the redevelopment or improvement of the infrastructure, or through the provision of special loan facilities, temporary subsidies or temporary tax concessions or of physical facilities such as industrial estates;
- (e) preferential consideration in the allocation of government orders;
- (f) appropriate efforts to discourage excessive industrial concentration.

(3) Such measures should have regard to the type of employment which different areas, by reason of their resources, access to markets and other economic factors, are best suited to provide.

(4) The boundaries of areas which are given special treatment should be defined after careful study of the probable repercussions on other, particularly neighbouring, areas.

II. Employment problems associated with economic underdevelopment

8. Measures to expand domestic saving and encourage the inflow of financial resources from other countries, with a view to increasing productive investment, may include:

- (a) measures, consistent with the provisions of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, and taken within the framework of a system of adequate minimum labour standards and in consultation with employers and workers and their organisations, to use available labour, with a minimum complement of scarce resources, to increase the rate of capital formation;
- (b) measures to guide savings and investment from unproductive uses to uses designed to promote economic development and employment;

- (c) measures to expand savings:
 - (i) through the curtailment of non-essential consumption, with due regard to the need for maintaining adequate incentives; and
 - (ii) through savings schemes, including contributory social security schemes and small savings schemes;
- (d) measures to develop local capital markets to facilitate the transformation of savings into productive investment;
- (e) measures to encourage the reinvestment in the country of a reasonable part of the profits from foreign investments, as well as to recover and to prevent the outflow of national capital with a view to directing it to productive investment.

9. (1) Measures to expand employment by the encouragement of labour-intensive products and techniques may include:

- (a) the promotion of labour-intensive methods of production by means of:
 - (i) work study to increase the efficiency of modern labour-intensive operations;
 - (ii) research and dissemination of information about labour-intensive techniques, particularly in public works and construction;
- (b) tax concessions and preferential treatment in regard to import or other quotas to undertakings concerned;
- (c) full exploration of the technical, economic and organisational possibilities of labour-intensive construction works, such as multi-purpose river valley development projects and the building of railways and highways.

(2) In determining whether a particular product or technique is labour-intensive, attention should be given to the proportions in which capital and labour are employed not merely in the final processes, but in all stages of production, including that of materials, power and other requirements; attention should be given also to the proportions in which increased availability of a product will generate increased demand for labour and capital respectively.

10. Institutional measures for the promotion of productive employment in the rural sector may, in addition to those provided for in Paragraph 27 of the Recommendation, include promotion of community development programmes, consistent with the provisions of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, to evoke the active participation of the persons concerned, and in particular of employers and workers and their organisations, in planning and carrying out local economic and social development projects, and to encourage the use in such projects of local manpower, materials and financial resources that might otherwise remain idle or unproductively used.

11. Means appropriate to local conditions for the fuller utilisation of local manpower in rural development may include:

- (a) local capital-construction projects, particularly projects conducive to a quick increase in agricultural production, such as small and medium irrigation and drainage works, the construction of storage facilities and feeder roads and the development of local transport;
- (b) land development and settlement;
- (c) more labour-intensive methods of cultivation, expansion of animal husbandry and the diversification of agricultural production;
- (d) the development of other productive activities, such as forestry and fishing;
- (e) the promotion of rural social services such as education, housing and health services;
- (f) the development of viable small-scale industries and handicrafts in rural areas, such as local processing of agricultural products and manufacture of simple consumers' and producers' goods needed in the area.

12. (1) In pursuance of Paragraph 5 of the Recommendation, and taking account of the provisions of the Vocational Training Recommendation, 1962, developing countries should endeavour to eradicate illiteracy and promote vocational training for workers in all sectors, as well as appropriate professional training for scientific, technical and managerial personnel.

Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 70th Session (26 June 1984)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventieth Session on 6 June 1984, and

Noting the existing international standards contained in the Employment Policy Convention and Recommendation, 1964, as well as in other international labour instruments relating to certain categories of workers, in particular the Workers with Family Responsibilities Convention and Recommendation, 1981, the Older Workers Recommendation, 1980, the Migration for Employment Convention and Recommendation (Revised), 1949, the Migrant Workers (Supplementary Provisions) Convention, 1975, and the Migrant Workers Recommendation, 1975,

Recalling the responsibility of the International Labour Organisation, resulting from the Declaration of Philadelphia, to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity,

Recalling that the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly in 1966, provides for the recognition of *inter alia* the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and for the taking of appropriate steps to achieve progressively the full realisation of, and to safeguard, this right,

Recalling also the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly in 1979,

Recognising, in the light of increasing interdependence within the world economy and of low economic growth rates in recent years, the need to coordinate economic, monetary and social policies at the national and international levels, to strive for the reduction of disparities between developed and developing countries and for the establishment of the new international economic order, in order to make the fullest possible use of resources for development and for the creation of employment opportunities, and thus to combat unemployment and underemployment,

Noting the deterioration of employment opportunities in most industrialised and developing countries and expressing the conviction that poverty, unemployment and inequality of opportunity are unacceptable in terms of humanity and social justice, can provoke social tension and thus create conditions which can endanger peace and prejudice the exercise of the right to work, which includes free choice of employment, just and favourable conditions of work and protection against unemployment,

Considering that the Employment Policy Convention and Recommendation, 1964, should be placed in the wider framework of the Declaration of Principles and Programme of Action adopted in 1976 by the Tripartite World Conference on Employment, Income Distribution and Social Progress and the International Division of Labour, and of the resolution concerning follow-up to the World Employment Conference adopted by the International Labour Conference in 1979,

Having decided upon the adoption of certain proposals with regard to employment policy which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Policy Convention and Recommendation, 1964:

adopts this twenty-sixth day of June of the year one thousand nine hundred and eighty-four, the following Recommendation, which may be cited as the Employment Policy (Supplementary Provisions) Recommendation, 1984.

I. General principles of employment policy

1. The promotion of full, productive and freely chosen employment provided for in the Employment Policy Convention and Recommendation, 1964, should be regarded as the means of achieving in practice the realisation of the right to work.

2. Full recognition by Members of the right to work should be linked with the implementation of economic and social policies, the purpose of which is the promotion of full, productive and freely chosen employment.

3. The promotion of full, productive and freely chosen employment should be the priority in, and an integral part of, economic and social policies of Members and, where appropriate, their plans for the satisfaction of the basic needs of the population.

4. Members should give special attention to the most efficient means of increasing employment and production and draw up policies and, if appropriate, programmes designed to facilitate the increased production and fair distribution of essential goods and services and the fair distribution of income throughout the country, with a view to satisfying the basic needs of the population in accordance with the Declaration of Principles and Programme of Action of the World Employment Conference.

5. In accordance with national practice, the policies, plans and programmes referred to in Paragraphs 3 and 4 of this Recommendation should be drawn up and implemented in consultation and co-operation with the organisations of employers and workers and other organisations representative of the persons concerned, particularly those in the rural sector covered by the Rural Workers' Organisations Convention and Recommendation, 1975.

6. Economic and financial policies, at both the national and international levels, should reflect the priority to be attached to the goals referred to in Paragraphs 3 and 4 of this Recommendation.

7. The policies, plans and programmes referred to in Paragraphs 3 and 4 of this Recommendation should aim at eliminating any discrimination and ensuring for all workers equal opportunity and treatment in respect of access to employment, conditions of employment, wages and income, vocational guidance and training and career development.

8. Members should take measures to combat effectively illegal employment, that is employment which does not comply with the requirements of national laws, regulations and practice.

9. Members should take measures to enable the progressive transfer of workers from the informal sector, where it exists, to the formal sector to take place.

10. Members should adopt policies and take measures which, while taking account of national law and practice, should:

- (a) facilitate adjustment to structural change at the global, sectoral and enterprise levels and the re-employment of workers who have lost their jobs as a result of structural and technological changes; and
- (b) safeguard the employment or facilitate the re-employment of workers affected in the case of sale, transfer, closure or relocation of a company, establishment or equipment.

11. In accordance with national law and practice, the methods of giving effect to employment policies might include negotiating collective agreements on questions having a bearing on employment such as:

- (a) the promotion and safeguarding of employment;
- (b) the economic and social consequences of restructuring and rationalisation of branches of economic activity and undertakings;
- (c) the reorganisation and reduction of working time;
- (d) the protection of particular groups; and
- (e) information on economic, financial and employment issues.

12. Members should, after consultation with the organisations of employers and workers, take effective measures to encourage multinational enterprises to undertake and promote in particular the employment policies set forth in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977, and to ensure that negative effects of the investments of multinational enterprises on employment are avoided and that positive effects are encouraged.

13. In view of increasing interdependence within the world economy, Members should, in addition to the measures taken at the national level, strengthen international co-operation in order to ensure the success of the fight against unemployment.

II. Population policy

14. (1) While ensuring that sufficient employment opportunities exist, development and employment policies might, where appropriate and in accordance with national law and practice, include population policies and programmes designed to ensure promotion of family welfare and family planning through programmes of information and voluntary education on population issues.

(2) Members, particularly developing countries, in collaboration with both national and international non-governmental organisations might:

- (a) pay particular attention in their population policies and programmes to educating actual and potential parents on the benefits of family planning;
- (b) in rural areas, increase the number of health facilities and community centres offering family planning services and the number of trained personnel to provide these services; and
- (c) in urban areas, pay particular attention to the urgent need to develop appropriate infrastructures and improve living conditions, especially in slum areas.

III. Employment of youth and disadvantaged groups and persons

15. In the context of an overall employment policy, Members should adopt measures to respond to the needs of all categories of persons frequently having difficulties in finding lasting employment, such as certain women, certain young workers, disabled persons, older workers, the long-term unemployed and migrant workers lawfully within their territory. These measures should be consistent with the provisions of international labour Conventions and Recommendations relating to the employment of these groups and with the conditions of employment established under national law and practice.

16. While taking account of national conditions and in accordance with national law and practice, the measures referred to in Paragraph 15 of this Recommendation might include, inter alia:

- (a) general education accessible to all and vocational guidance and training programmes to assist these persons to find work and to improve their employment opportunities and their income;
- (b) the creation of a training system linked with both the educational system and the world of work;
- (c) counselling and employment services to assist individuals to enter the labour market and to help them to find employment which corresponds to their skills and aptitudes;
- (d) programmes which create gainful employment in specific regions, areas or sectors;
- (e) programmes of adjustment to structural change;
- (f) measures of continuing training and retraining;
- (g) measures of vocational rehabilitation;
- (h) assistance for voluntary mobility; and
- (i) programmes for the promotion of self-employment and workers' co-operatives.

17. (1) Other special measures should be taken for young people. In particular:

- (a) public and private institutions and undertakings should be encouraged to engage and to train young people by means appropriate to national conditions and practice;
- (b) although priority should be given to integrating young persons into regular employment, special programmes might be set up with a view to employing young people on a voluntary basis for the execution of community projects, in particular local projects having a social character, bearing in mind the provisions of the Special Youth Schemes Recommendation, 1970;
- (c) special programmes should be set up in which training and work alternate so as to assist young people in finding their first job;
- (d) training opportunities should be adapted to technical and economic development and the quality of training should be improved;
- (e) measures should be taken to ease the transition from school to work and to promote opportunities for employment on completion of training;

- (f) research on employment prospects should be promoted as a basis for a rational vocational training policy; and
- (g) the safety and health of young workers should be protected.

(2) The measures referred to in subparagraph (1) of this Paragraph should be carefully monitored to ensure that they result in beneficial effects on young people's employment.

(3) These measures should be consistent with the provisions of international labour Conventions and Recommendations relating to the employment of young persons and with the conditions of employment established under national law and practice.

18. Incentives appropriate to national conditions and practice might be provided in order to facilitate the implementation of the measures referred to in Paragraphs 15 to 17 of this Recommendation.

19. In accordance with national law and practice, full and timely consultations should be held on the formulation, application and monitoring of the measures and programmes referred to in Paragraphs 15 to 18 of this Recommendation between the competent authorities and the organisations of employers and workers and other organisations concerned.

IV. Technology policies

20. One of the major elements of national development policy should be to facilitate the development of technology as a means of increasing productive potential and achieving the major development objectives of creation of employment opportunities and the satisfaction of basic needs. Technology policies should, taking into account the stage of economic development, contribute to the improvement of working conditions and reduction of working time, and include measures to prevent loss of jobs.

21. Members should:

- (a) encourage research on the selection, adoption and development of new technologies and on their effects on the volume and structure of employment, conditions of employment, training, job content and skill requirements; and
- (b) encourage research on the technologies most appropriate to the specific conditions of countries, by ensuring the involvement of independent research institutes.

22. Members should endeavour to ensure by appropriate measures:

- (a) that the education and training systems, including schemes for retraining, offer workers sufficient opportunities for adjusting to altered employment requirements resulting from technological change;
- (b) that particular attention is given to the best possible use of existing and future skills; and
- (c) that negative effects of technological changes on employment, working and living conditions and on occupational safety and health are eliminated to the extent possible, in particular through the incorporation of ergonomic, safety and health considerations at the design stage of new technologies.

23. Members should, through all methods suited to national conditions and practice, promote the use of appropriate new technologies and assure or improve liaison and consultation between the different units and organisations concerned with these questions and the representative organisations of employers and workers.

24. The organisations of employers and workers concerned and undertakings should be encouraged to assist in the dissemination of general information on technological choices, in the promotion of technological linkages between large-scale and small-scale undertakings and in the setting up of relevant training programmes.

25. In accordance with national practice, Members should encourage employers' and workers' organisations to enter into collective agreements at national, sectoral or undertaking levels on the social consequences of the introduction of new technologies.

26. Members should, as far as possible and in accordance with national law and practice, encourage undertakings, when introducing into their operations technological changes which are liable to have major effects upon workers in the undertaking:

- (a) to associate workers and/or their representatives in the planning, introduction and use of new technologies, that is to inform them of the opportunities offered by and the effects of such new technologies and to consult them in advance with a view to arriving at agreements;
- (b) to promote a better organisation of working time and a better distribution of employment;
- (c) to prevent and mitigate to the greatest extent practicable any adverse effects of the technological changes on workers; and
- (d) to promote investments in technology that would encourage, directly or indirectly, the creation of employment and contribute to a progressive increase in production and the satisfaction of the basic needs of the population.

V. Informal sector

27. (1) National employment policy should recognise the importance as a provider of jobs of the informal sector, that is economic activities which are carried on outside the institutionalised economic structures.

(2) Employment promotion programmes should be elaborated and implemented to encourage family work and independent work in individual workshops, both in urban and rural areas.

28. Members should take measures to promote complementary relationships between the formal and informal sectors and to provide greater access of undertakings in the informal sector to resources, product markets, credit, infrastructure, training facilities, technical expertise and improved technologies.

29. (1) While taking measures to increase employment opportunities and improve conditions of work in the informal sector, Members should seek to facilitate its progressive integration into the national economy.

(2) Members should take into account that integration of the informal sector into the formal sector may reduce its ability to absorb labour and generate income. Nevertheless, they should seek progressively to extend measures of regulation to the informal sector.

VI. Small undertakings

30. National employment policy should take account of the importance of small undertakings as providers of jobs, and recognise the contribution of local employment creation initiatives to the fight against unemployment and to economic growth. These undertakings, which can take diverse forms, such as small traditional undertakings, co-operatives and associations, offer employment opportunities, especially for workers who have particular difficulties.

31. After consultation and in co-operation with employers' and workers' organisations, Members should take the necessary measures to promote complementary relationships between the undertakings referred to in Paragraph 30 of this Recommendation and other undertakings, to improve working conditions in these undertakings, and to improve their access to product markets, credit, technical expertise and advanced technology.

VII. Regional development policies

32. In accordance with national law and practice, Members should recognise the importance of balanced regional development as a means of mitigating the social and employment problems created by the unequal distribution of natural resources and the inadequate mobility of the means of production, and of correcting the uneven spread of growth and employment between regions and areas within a country.

33. Measures should be taken, after consultation and in co-operation with the representatives of the populations concerned and in particular with the organisations of employers and workers, with a view to promoting employment in underdeveloped or backward areas, declining industrial and agricultural areas, frontier zones and, in general, parts of the country which have not benefited satisfactorily from national development.

34. Taking account of national conditions and of each Member's plans and programmes, the measures referred to in Paragraph 33 of this Recommendation might include, inter alia:

- (a) creating and developing growth poles and growth centres with good prospects for generating employment;
- (b) developing and intensifying regional potential taking into account the human and natural resources of each region and the need for coherent and balanced regional development;
- (c) expanding the number and size of medium-sized and small towns in order to counterbalance the growth of large cities;
- (d) improving the availability and distribution of and access to essential services required for meeting basic needs;
- (e) encouraging the voluntary mobility of workers within each region and between different regions of the country by appropriate social welfare measures, while making an effort to promote satisfactory living and working conditions in their areas of origin;
- (f) investing in improvements to the regional infrastructures, services and administrative structures, including the allocation of the necessary staff and the provision of training and retraining opportunities; and
- (g) promoting the participation of the community in the definition and implementation of regional development measures.

VIII. Public investment and special public works programmes

35. Members might implement economically and socially viable public investment and special public works programmes, particularly with a view to creating and maintaining employment and raising incomes, reducing poverty and better meeting basic needs in areas of widespread unemployment and underemployment. Such programmes should, where possible and appropriate:

- (a) pay special attention to the creation of employment opportunities for disadvantaged groups;
- (b) include rural and urban infrastructure projects as well as the construction of facilities for basic-needs satisfaction in rural, urban and suburban areas, and increased productive investments in sectors such as energy and telecommunications;
- (c) contribute to raising the standard of social services in fields such as education and health;
- (d) be designed and implemented within the framework of development plans where they exist and in consultation with the organisations of employers and workers concerned;
- (e) identify the persons whom the programmes are to benefit, determine the available manpower and define the criteria for project selection;
- (f) ensure that workers are recruited on a voluntary basis;
- (g) ensure that manpower is not diverted from other productive activities;
- (h) provide conditions of employment consistent with national law and practice, and in particular with legal provisions governing access to employment, hours of work, remuneration, holidays with pay, occupational safety and health and compensation for employment injuries; and
- (i) facilitate the vocational training of workers engaged in such programmes as well as the retraining of those who, because of structural changes in production and employment, have to change their jobs.

IX. International economic co-operation and employment

36. Members should promote the expansion of international trade in order to help one another to attain employment growth. To this end, they should co-operate in international bodies which are engaged in facilitating sustainable and mutually beneficial increases in international trade, technical assistance and investment.

37. Bearing in mind their responsibilities in relation to other competent international bodies Members should, with a view to ensuring the effectiveness of employment policies, adopt the following objectives:

- (a) to promote the growth of production and world trade in conditions of economic stability and growing employment, within the context of international co-operation for development and on the basis of equality of rights and mutual advantage;

- (b) to recognise that the interdependence between States, resulting from the increasing integration of the world economy, should help to create a climate in which States can, wherever appropriate, define joint policies designed to promote a fair distribution of the social costs and benefits of structural adjustment as well as a fairer international distribution of income and wealth, in such a way as to enable developing countries to absorb the increase in their labour force, and the developed countries to raise their levels of employment and reduce the adjustment cost for the workers concerned;
- (c) to co-ordinate national policies concerning trade and structural change and adjustment so as to make possible a greater participation of developing countries in world industrial production within an open and fair world trading system, to stabilise commodity prices at remunerative levels which are acceptable to both producers and consumers, and to encourage investment in the production and processing of commodities in developing countries;
- (d) to encourage the peaceful resolution of disputes among nations and negotiated arms reduction agreements which will achieve security for all nations, as well as the progressive transfer of expenditure on armaments and the reconversion of the armaments industry to the production of essential goods and services, especially those which satisfy the basic needs of the population and the needs of developing countries;
- (e) to seek agreement on concerted action at the international level with a view to improving the international economic system, especially in the financial sphere, so as to promote employment in developed as well as developing countries;
- (f) to increase mutual economic and technical co-operation, especially between countries at different levels of economic development and with different social and economic systems, through exchange of experience and the development of complementary capacities, particularly in the fields of employment and human resources and the choice, development and transfer of technology in accordance with mutually accepted law and practice concerning private property rights;
- (g) to create conditions for sustained, non-inflationary growth of the world economy, and for the establishment of an improved international monetary system which would lead to the establishment of the new international economic order; and
- (h) to ensure greater stability in exchange rates, a reduction of the debt burden of developing countries, the provision of long-term, low-cost financial assistance to developing countries and the adoption of adjustment policies which promote employment and the satisfaction of basic needs.

38. Members should:

- (a) promote the transfer of technologies with a view to enabling developing countries to adopt, on fair and reasonable commercial terms, those which are most appropriate for the promotion of employment and the satisfaction of basic needs; and
- (b) take appropriate measures for the creation and maintenance of employment and for the provision of training and retraining opportunities. Such measures might include the establishment of national, regional or international readjustment funds for the purpose of assisting in the positive adjustment of industries and workers affected by changes in the world economy.

X. International migration and employment

39. Members, taking account of international labour Conventions and Recommendations on migrant workers, should, where international migration takes place, adopt policies designed:

- (a) to create more employment opportunities and better conditions of work in countries of emigration so as to reduce the need to migrate to find employment; and
- (b) to ensure that international migration takes place under conditions designed to promote full, productive and freely chosen employment.

40. Members which habitually or repeatedly admit significant numbers of foreign workers with a view to employment should, when such workers come from developing countries, endeavour to co-operate more fully in the development of such countries, by appropriate intensified capital movements, the expansion of trade, the transfer of technical knowledge and assistance in the vocational training of local workers, in order to establish an effective alternative to migration for employment and to assist the countries in question in improving their economic and employment situation.

41. Members which habitually or repeatedly experience significant outflows of their nationals for the purpose of employment abroad should, provided that such measures are not inconsistent with the right of everyone to leave any country including his own, take measures by means of legislation, agreements with employers' and workers' organisations, or in any other manner consistent with national conditions and practice, to prevent malpractices at the stage of recruitment or departure liable to result in illegal entry to, or stay or employment in, another country.

42. Developing emigration countries, in order to facilitate the voluntary return of their nationals who possess scarce skills, should:

- (a) provide the necessary incentives; and
- (b) enlist the co-operation of the countries employing their nationals as well as of the International Labour Office and other international or regional bodies concerned with the matter.

43. Members, both countries of employment and countries of origin, should take appropriate measures to:

- (a) prevent abuse in the recruitment of labour for work abroad;
- (b) prevent the exploitation of migrant workers; and
- (c) ensure the full exercise of the rights to freedom of association and to organise and bargain collectively.

44. Members, both countries of employment and countries of origin, should, when it is necessary, taking fully into account existing international labour Conventions and Recommendations on migrant workers, conclude bilateral and multilateral agreements covering issues such as right of entry and stay, the protection of rights resulting from employment, the promotion of education and training opportunities for migrant workers, social security, and assistance to workers and members of their families wishing to return to their country of origin.

2. Other instruments on employment policy and promotion¹

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	20 June 1985	Geneva, ILC 69th Session (20 June 1983)	82

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-ninth Session on 1 June 1983, and

Noting the existing international standards contained in the Vocational Rehabilitation (Disabled) Recommendation, 1955, and the Human Resources Development Recommendation, 1975, and

1. 1) Shelved convention: Fee-Charging Employment Agencies Convention, 1933 (No. 34). 2) Withdrawn recommendations: Unemployment Recommendation, 1919 (No. 1); Employment Agencies Recommendation, 1933 (No. 42); Elimination of Recruiting Recommendation, 1936 (No. 46); Public Works (International Co-operation) Recommendation, 1937 (No. 50); Public Works (National Planning) Recommendation, 1937 (No. 51); Employment Service Recommendation, 1944 (No. 72); Public Works (National Planning) Recommendation, 1944 (No. 73).

Noting that since the adoption of the Vocational Rehabilitation (Disabled) Recommendation, 1955, significant developments have occurred in the understanding of rehabilitation needs, the scope and organisation of rehabilitation services, and the law and practice of many Members on the questions covered by that Recommendation, and

Considering that the year 1981 was declared by the United Nations General Assembly the International Year of Disabled Persons, with the theme “full participation and equality” and that a comprehensive World Programme of Action concerning Disabled Persons is to provide effective measures at the international and national levels for the realisation of the goals of “full participation” of disabled persons in social life and development, and of “equality”, and

Considering that these developments have made it appropriate to adopt new international standards on the subject which take account, in particular, of the need to ensure equality of opportunity and treatment to all categories of disabled persons, in both rural and urban areas, for employment and integration into the community, and

Having decided upon the adoption of certain proposals with regard to vocational rehabilitation which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twentieth day of June of the year one thousand nine hundred and eighty-three the following Convention, which may be cited as the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983:

Part I. Definition and scope

Article 1

1. For the purposes of this Convention, the term *disabled person* means an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment.

2. For the purposes of this Convention, each Member shall consider the purpose of vocational rehabilitation as being to enable a disabled person to secure, retain and advance in suitable employment and thereby to further such person's integration or reintegration into society.

3. The provisions of this Convention shall be applied by each Member through measures which are appropriate to national conditions and consistent with national practice.

4. The provisions of this Convention shall apply to all categories of disabled persons.

Part II. Principles of vocational rehabilitation and employment policies for disabled persons

Article 2

Each Member shall, in accordance with national conditions, practice and possibilities, formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled persons.

Article 3

The said policy shall aim at ensuring that appropriate vocational rehabilitation measures are made available to all categories of disabled persons, and at promoting employment opportunities for disabled persons in the open labour market.

Article 4

The said policy shall be based on the principle of equal opportunity between disabled workers and workers generally. Equality of opportunity and treatment for disabled men and women workers shall be respected. Special positive measures aimed at effective equality of opportunity and treatment between disabled workers and other workers shall not be regarded as discriminating against other workers.

Article 5

The representative organisations of employers and workers shall be consulted on the implementation of the said policy, including the measures to be taken to promote co-operation and co-ordination between the public and private bodies engaged in vocational rehabilitation activities. The representative organisations of and for disabled persons shall also be consulted.

**Part III. Action at the national level for the development
of vocational rehabilitation and employment services
for disabled persons**

Article 6

Each Member shall, by laws or regulations or by any other method consistent with national conditions and practice, take such steps as may be necessary to give effect to Articles 2, 3, 4 and 5 of this Convention.

Article 7

The competent authorities shall take measures with a view to providing and evaluating vocational guidance, vocational training, placement, employment and other related services to enable disabled persons to secure, retain and advance in employment; existing services for workers generally shall, wherever possible and appropriate, be used with necessary adaptations.

Article 8

Measures shall be taken to promote the establishment and development of vocational rehabilitation and employment services for disabled persons in rural areas and remote communities.

Article 9

Each Member shall aim at ensuring the training and availability of rehabilitation counsellors and other suitably qualified staff responsible for the vocational guidance, vocational training, placement and employment of disabled persons.

Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 69th Session (20 June 1983)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-ninth Session on 1 June 1983, and

Noting the existing international standards contained in the Vocational Rehabilitation (Disabled) Recommendation, 1955, and

Noting that since the adoption of the Vocational Rehabilitation (Disabled) Recommendation, 1955, significant developments have occurred in the understanding of rehabilitation needs, the scope and organisation of rehabilitation services, and the law and practice of many Members on the questions covered by that Recommendation, and

Considering that the year 1981 was declared by the United Nations General Assembly the International Year of Disabled Persons, with the theme full participation and equality and that a comprehensive World Programme of Action concerning Disabled Persons is to provide effective measures at the international and national levels for the realisation of the goals of full participation of disabled persons in social life and development, and of equality, and

Considering that these developments have made it appropriate to adopt new international standards on the subject which take account, in particular, of the need to ensure equality of opportunity and treatment to all categories of disabled persons, in both rural and urban areas, for employment and integration into the community, and

Having decided upon the adoption of certain proposals with regard to vocational rehabilitation which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, and the Vocational Rehabilitation (Disabled) Recommendation, 1955,

adopts this twentieth day of June of the year one thousand nine hundred and eighty-three, the following Recommendation, which may be cited as the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983.

I. Definitions and scope

1. In applying this Recommendation, as well as the Vocational Rehabilitation (Disabled) Recommendation, 1955, Members should consider the term *disabled person* as meaning an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment.

2. In applying this Recommendation, as well as the Vocational Rehabilitation (Disabled) Recommendation, 1955, Members should consider the purpose of vocational rehabilitation, as defined in the latter Recommendation, as being to enable a disabled person to secure, retain and advance in suitable employment and thereby to further such person's integration or reintegration into society.

3. The provisions of this Recommendation should be applied by Members through measures which are appropriate to national conditions and consistent with national practice.

4. Vocational rehabilitation measures should be made available to all categories of disabled persons.

5. In planning and providing services for the vocational rehabilitation and employment of disabled persons, existing vocational guidance, vocational training, placement, employment and related services for workers generally should, wherever possible, be used with any necessary adaptations.

6. Vocational rehabilitation should be started as early as possible. For this purpose, health-care systems and other bodies responsible for medical and social rehabilitation should co-operate regularly with those responsible for vocational rehabilitation.

II. Vocational rehabilitation and employment opportunities

7. Disabled persons should enjoy equality of opportunity and treatment in respect of access to, retention of and advancement in employment which, wherever possible, corresponds to their own choice and takes account of their individual suitability for such employment.

8. In providing vocational rehabilitation and employment assistance to disabled persons, the principle of equality of opportunity and treatment for men and women workers should be respected.

9. Special positive measures aimed at effective equality of opportunity and treatment between disabled workers and other workers should not be regarded as discriminating against other workers.

10. Measures should be taken to promote employment opportunities for disabled persons which conform to the employment and salary standards applicable to workers generally.

11. Such measures, in addition to those enumerated in Part VII of the Vocational Rehabilitation (Disabled) Recommendation, 1955, should include:

- (a) appropriate measures to create job opportunities on the open labour market, including financial incentives to employers to encourage them to provide training and subsequent employment for disabled persons, as well as to make reasonable adaptations to workplaces, job design, tools, machinery and work organisation to facilitate such training and employment;
- (b) appropriate government support for the establishment of various types of sheltered employment for disabled persons for whom access to open employment is not practicable;
- (c) encouragement of co-operation between sheltered and production workshops on organisation and management questions so as to improve the employment situation of their disabled workers and, wherever possible, to help prepare them for employment under normal conditions;
- (d) appropriate government support to vocational training, vocational guidance, sheltered employment and placement services for disabled persons run by non-governmental organisations;
- (e) encouragement of the establishment and development of co-operatives by and for disabled persons and, if appropriate, open to workers generally;
- (f) appropriate government support for the establishment and development of small-scale industry, co-operative and other types of production workshops by and for disabled persons (and, if appropriate, open to workers generally), provided such workshops meet defined minimum standards;
- (g) elimination, by stages if necessary, of physical, communication and architectural barriers and obstacles affecting transport and access to and free movement in premises for the training and employment of disabled persons; appropriate standards should be taken into account for new public buildings and facilities;
- (h) wherever possible and appropriate, facilitation of adequate means of transport to and from the places of rehabilitation and work according to the needs of disabled persons;
- (i) encouragement of the dissemination of information on examples of actual and successful instances of the integration of disabled persons in employment;
- (j) exemption from the levy of internal taxes or other internal charges of any kind, imposed at the time of importation or subsequently on specified articles, training materials and equipment required for rehabilitation centres, workshops, employers and disabled persons, and on specified aids and devices required to assist disabled persons in securing and retaining employment;
- (k) provision of part-time employment and other job arrangements, in accordance with the capabilities of the individual disabled person for whom full-time employment is not immediately, and may not ever be, practicable;
- (l) research and the possible application of its results to various types of disability in order to further the participation of disabled persons in ordinary working life;
- (m) appropriate government support to eliminate the potential for exploitation within the framework of vocational training and sheltered employment and to facilitate transition to the open labour market.

12. In devising programmes for the integration or reintegration of disabled persons into working life and society, all forms of training should be taken into consideration; these should include, where necessary and appropriate, vocational preparation and training, modular training, training in activities of daily living, in literacy and in other areas relevant to vocational rehabilitation.

13. To ensure the integration or reintegration of disabled persons into ordinary working life, and thereby into society, the need for special support measures should also be taken into consideration, including the provision of aids, devices and ongoing personal services to enable disabled persons to secure, retain and advance in suitable employment.

14. Vocational rehabilitation measures for disabled persons should be followed up in order to assess the results of these measures.

III. Community participation

15. Vocational rehabilitation services in both urban and rural areas and in remote communities should be organised and operated with the fullest possible community participation, in particular with that of the representatives of employers', workers' and disabled persons' organisations.

16. Community participation in the organisation of vocational rehabilitation services for disabled persons should be facilitated by carefully planned public information measures with the aims of:

- (a) informing disabled persons, and if necessary their families, about their rights and opportunities in the employment field; and
- (b) overcoming prejudice, misinformation and attitudes unfavourable to the employment of disabled persons and their integration or reintegration into society.

17. Community leaders and groups, including disabled persons themselves and their organisations, should co-operate with health, social welfare, education, labour and other relevant government authorities in identifying the needs of disabled persons in the community and in ensuring that, wherever possible, disabled persons are included in activities and services available generally.

18. Vocational rehabilitation and employment services for disabled persons should be integrated into the mainstream of community development and where appropriate receive financial, material and technical support.

19. Official recognition should be given to voluntary organisations which have a particularly good record of providing vocational rehabilitation services and enabling disabled persons to be integrated or reintegrated into the worklife of the community.

IV. Vocational rehabilitation in rural areas

20. Particular efforts should be made to ensure that vocational rehabilitation services are provided for disabled persons in rural areas and in remote communities at the same level and on the same terms as those provided for urban areas. The development of such services should be an integral part of general rural development policies.

21. To this end, measures should be taken, where appropriate, to:

- (a) designate existing rural vocational rehabilitation services or, if these do not exist, vocational rehabilitation services in urban areas as focal points to train rehabilitation staff for rural areas;
- (b) establish mobile vocational rehabilitation units to serve disabled persons in rural areas and to act as centres for the dissemination of information on rural training and employment opportunities for disabled persons;
- (c) train rural development and community development workers in vocational rehabilitation techniques;
- (d) provide loans, grants or tools and materials to help disabled persons in rural communities to establish and manage co-operatives or to work on their own account in cottage industry or in agricultural, craft or other activities;
- (e) incorporate assistance to disabled persons into existing or planned general rural development activities;
- (f) facilitate disabled persons' access to housing within reasonable reach of the workplace.

V. Training of staff

22. In addition to professionally trained rehabilitation counsellors and specialists, all other persons who are involved in the vocational rehabilitation of disabled persons and the development of employment opportunities should be given training or orientation in rehabilitation issues.

23. Persons engaged in vocational guidance, vocational training and placement of workers generally should have an adequate knowledge of disabilities and their limiting effects, as well as a knowledge of the support services available to facilitate a disabled person's integration into active economic and social life. Opportunities should be provided for such persons to update their knowledge and extend their experience in these fields.

24. The training, qualifications and remuneration of staff engaged in the vocational rehabilitation and training of disabled persons should be comparable to those of persons engaged in general vocational training who have similar duties and responsibilities; career opportunities should be comparable for both groups of specialists and transfers of staff between vocational rehabilitation and general vocational training should be encouraged.

25. Staff of vocational rehabilitation, sheltered and production workshops should receive, as part of their general training and as appropriate, training in workshop management as well as in production and marketing techniques.

26. Wherever sufficient numbers of fully trained rehabilitation staff are not available, measures should be considered for recruiting and training vocational rehabilitation aides and auxiliaries. The use of such aides and auxiliaries should not be resorted to as a permanent substitute for fully trained staff. Wherever possible, provision should be made for further training of such personnel in order to integrate them fully into the trained staff.

27. Where appropriate, the establishment of regional and subregional vocational rehabilitation staff training centres should be encouraged.

28. Staff engaged in vocational guidance, vocational training, placement and employment support of disabled persons should have appropriate training and experience to recognise the motivational problems and difficulties that disabled persons may experience and, within their competence, deal with the resulting needs.

29. Where appropriate, measures should be taken to encourage disabled persons to undergo training as vocational rehabilitation personnel and to facilitate their entry into employment in the rehabilitation field.

30. Disabled persons and their organisations should be consulted in the development, provision and evaluation of training programmes for vocational rehabilitation staff.

VI. The contribution of employers' and workers' organisations to the development of vocational rehabilitation services

31. Employers' and workers' organisations should adopt a policy for the promotion of training and suitable employment of disabled persons on an equal footing with other workers.

32. Employers' and workers' organisations, together with disabled persons and their organisations, should be able to contribute to the formulation of policies concerning the organisation and development of vocational rehabilitation services, as well as to carry out research and propose legislation in this field.

33. Wherever possible and appropriate, representatives of employers', workers' and disabled persons' organisations should be included in the membership of the boards and committees of vocational rehabilitation and training centres used by disabled persons, which make decisions on policy and technical matters, with a view to ensuring that the vocational rehabilitation programmes correspond to the requirements of the various economic sectors.

34. Wherever possible and appropriate, employers and workers' representatives in the undertaking should co-operate with appropriate specialists in considering the possibilities for vocational rehabilitation and job reallocation of disabled persons employed by that undertaking and for giving employment to other disabled persons.

35. Wherever possible and appropriate, undertakings should be encouraged to establish or maintain their own vocational rehabilitation services, including various types of sheltered employment, in close co-operation with community-based and other rehabilitation services.

36. Wherever possible and appropriate, employers' organisations should take steps to:

- (a) advise their members on vocational rehabilitation services which could be made available to disabled workers;
- (b) co-operate with bodies and institutions which promote the reintegration of disabled persons into active working life by providing, for instance, information on working conditions and job requirements which disabled persons have to meet;
- (c) advise their members on adjustments which could be made for disabled workers to the essential duties or requirements of suitable jobs;
- (d) advise their members to consider the impact that reorganising production methods might have, so that disabled persons are not inadvertently displaced.

37. Wherever possible and appropriate, workers' organisations should take steps to:

- (a) promote the participation of disabled workers in discussions at the shop-floor level and in works councils or any other body representing the workers;
- (b) propose guidelines for the vocational rehabilitation and protection of workers who become disabled through sickness or accident, whether work-related or not, and have such guidelines included in collective agreements, regulations, arbitration awards or other appropriate instruments;
- (c) offer advice on shop-floor arrangements affecting disabled workers, including job adaption, special work organisation, trial training and employment and the fixing of work norms;
- (d) raise the problems of vocational rehabilitation and employment of disabled persons at trade union meetings and inform their members, through publications and seminars, of the problems of and possibilities for the vocational rehabilitation and employment of disabled persons.

VII. The contribution of disabled persons and their organisations to the development of vocational rehabilitation services

38. In addition to the participation of disabled persons, their representatives and organisations in rehabilitation activities referred to in Paragraphs 15, 17, 30, 32 and 33 of this Recommendation, measures to involve disabled persons and their organisations in the development of vocational rehabilitation services should include:

- (a) encouragement of disabled persons and their organisations to participate in the development of community activities aimed at vocational rehabilitation of disabled persons so as to further their employment and their integration or reintegration into society;
- (b) appropriate government support to promote the development of organisations of and for disabled persons and their involvement in vocational rehabilitation and employment services, including support for the provision of training programmes in self-advocacy for disabled persons;
- (c) appropriate government support to these organisations to undertake public education programmes which project a positive image of the abilities of disabled persons.

VIII. Vocational rehabilitation under social security schemes

39. In applying the provisions of this Recommendation, Members should also be guided by the provisions of Article 35 of the Social Security (Minimum Standards) Convention, 1952, of Article 26 of the Employment Injury Benefits Convention, 1964, and of Article 13 of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967, in so far as they are not bound by obligations arising out of ratification of these instruments.

40. Wherever possible and appropriate, social security schemes should provide, or contribute to the organisation, development and financing of training, placement and employment (including sheltered employment) programmes and vocational rehabilitation services for disabled persons, including rehabilitation counselling.

41. These schemes should also provide incentives to disabled persons to seek employment and measures to facilitate a gradual transition into the open labour market.

IX. Co-ordination

42. Measures should be taken to ensure, as far as practicable, that policies and programmes concerning vocational rehabilitation are co-ordinated with policies and programmes of social and economic development (including scientific research and advanced technology) affecting labour administration, general employment policy and promotion, vocational training, social integration, social security, cooperatives, rural development, small-scale industry and crafts, safety and health at work, adaptation of methods and organisation of work to the needs of the individual and the improvement of working conditions.

Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 38th Session (22 June 1955)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-eighth Session on 1 June 1955, and
Having decided upon the adoption of certain proposals with regard to the vocational rehabilitation of the disabled, which is the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation,
adopts this twenty-second day of June of the year one thousand nine hundred and fifty-five, the following Recommendation, which may be cited as the Vocational Rehabilitation (Disabled) Recommendation, 1955:

Whereas there are many and varied problems concerning those who suffer disability, and

Whereas rehabilitation of such persons is essential in order that they be restored to the fullest possible physical, mental, social, vocational and economic usefulness of which they are capable, and

Whereas to meet the employment needs of the individual disabled person and to use manpower resources to the best advantage it is necessary to develop and restore the working ability of disabled persons by combining into one continuous and co-ordinated process medical, psychological, social, educational, vocational guidance, vocational training and placement services, including follow-up,

The Conference recommends as follows:

I. Definitions

1. For the purpose of this Recommendation:
 - (a) the term *vocational rehabilitation* means that part of the continuous and co-ordinated process of rehabilitation which involves the provision of those vocational services, e. g. vocational guidance, vocational training and selective placement, designed to enable a disabled person to secure and retain suitable employment; and
 - (b) the term *disabled person* means an individual whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment.

II. Scope of vocational rehabilitation

2. Vocational rehabilitation services should be made available to all disabled persons, whatever the origin and nature of their disability and whatever their age, provided they can be prepared for, and have reasonable prospects of securing and retaining, suitable employment.

III. Principles and methods of vocational guidance, vocational training and placement of disabled persons

3. All necessary and practicable measures should be taken to establish or develop specialised vocational guidance services for disabled persons requiring aid in choosing or changing their occupations.

4. The process of vocational guidance should include, as far as practicable in the national circumstances and as appropriate in individual cases:

- (a) interview with a vocational guidance officer;
- (b) examination of record of work experience;
- (c) examination of scholastic or other records relating to education or training received;
- (d) medical examination for vocational guidance purposes;
- (e) appropriate tests of capacity and aptitude, and, where desirable, other psychological tests;
- (f) ascertainment of personal and family circumstances;
- (g) ascertainment of aptitudes and the development of abilities by appropriate work experiences and trial, and by other similar means;
- (h) technical trade tests, either verbal or otherwise, in all cases where such seem necessary;
- (i) analysis of physical capacity in relation to occupational requirements and the possibility of improving that capacity;
- (j) provision of information concerning employment and training opportunities relating to the qualifications, physical capacities, aptitudes, preferences and experience of the person concerned and to the needs of the employment market.

5. The principles, measures and methods of vocational training generally applied in the training of non-disabled persons should apply to disabled persons in so far as medical and educational conditions permit.

6. (1) The training of disabled persons should, wherever possible, enable them to carry on an economic activity in which they can use their vocational qualifications or aptitudes in the light of employment prospects.

(2) For this purpose, such training should be:

- (a) co-ordinated with selective placement, after medical advice, in occupations in which the performance of the work involved is affected by, or affects, the disability to the least possible degree;
- (b) provided, wherever possible and appropriate, in the occupation in which the disabled person was previously employed or in a related occupation; and
- (c) continued until the disabled person has acquired the skill necessary for working normally on an equal basis with non-disabled workers if he is capable of doing so.

7. Wherever possible, disabled persons should receive training with and under the same conditions as non-disabled persons.

8. (1) Special services should be set up or developed for training disabled persons who, particularly by reason of the nature or the severity of their disability, cannot be trained in company with non-disabled persons.

(2) Wherever possible and appropriate, these services should include, inter alia:

- (a) schools and training centres, residential or otherwise;
- (b) special short-term and long-term training courses for specific occupations;
- (c) courses to increase the skills of disabled persons.

9. Measures should be taken to encourage employers to provide training for disabled persons; such measures should include, as appropriate, financial, technical, medical or vocational assistance.

10. (1) Measures should be taken to develop special arrangements for the placement of disabled persons.

(2) These arrangements should ensure effective placement by means of:

- (a) registration of applicants for employment;
- (b) recording their occupational qualifications, experience and desires;

- (c) interviewing them for employment;
- (d) evaluating, if necessary, their physical and vocational capacity;
- (e) encouraging employers to notify job vacancies to the competent authority;
- (f) contacting employers, when necessary, to demonstrate the employment capacities of disabled persons, and to secure employment for them;
- (g) assisting them to obtain such vocational guidance, vocational training, medical and social services as may be necessary.

11. Follow-up measures should be taken:

- (a) to ascertain whether placement in a job or recourse to vocational training or retraining services has proved to be satisfactory and to evaluate employment counselling policy and methods;
- (b) to remove as far as possible obstacles which would prevent a disabled person from being satisfactorily settled in work.

IV. Administrative organisation

12. Vocational rehabilitation services should be organised and developed as a continuous and co-ordinated programme by the competent authority or authorities and, in so far as practicable, use should be made of existing vocational guidance, vocational training and placement services.

13. The competent authority or authorities should ensure that an adequate and suitably qualified staff is available to deal with the vocational rehabilitation, including follow-up, of disabled persons.

14. The development of vocational rehabilitation services should at least keep pace with the development of the general services for vocational guidance, vocational training and placement.

15. Vocational rehabilitation services should be organised and developed so as to include opportunities for disabled persons to prepare for, secure and retain, suitable employment on their own account in all fields of work.

16. Administrative responsibility for the general organisation and development of vocational rehabilitation services should be entrusted:

- (a) to one authority, or
- (b) jointly to the authorities responsible for the different activities in the programme with one of these authorities entrusted with primary responsibility for co-ordination.

17. (1) The competent authority or authorities should take all necessary and desirable measures to achieve co-operation and co-ordination between the public and private bodies engaged in vocational rehabilitation activities.

(2) Such measures should include as appropriate:

- (a) determination of the responsibilities and obligations of public and private bodies;
- (b) financial assistance to private bodies effectively participating in vocational rehabilitation activities; and
- (c) technical advice to private bodies.

18. (1) Vocational rehabilitation services should be established and developed with the assistance of representative advisory committees, set up at the national level and, where appropriate, at regional and local levels.

(2) These committees should, as appropriate, include members drawn from among:

- (a) the authorities and bodies directly concerned with vocational rehabilitation;
- (b) employers' and workers' organisations;
- (c) persons specially qualified to serve by reason of their knowledge of, and concern with, the vocational rehabilitation of the disabled; and
- (d) organisations of disabled persons.

(3) These committees should be responsible for advising:

- (a) at the national level, on the development of policy and programmes for vocational rehabilitation;

(b) at regional and local levels, on the application of measures taken nationally, their adaptation to regional and local conditions and the co-ordination of regional and local activities.

19. (1) Research should be fostered and encouraged, particularly by the competent authority, to evaluate and improve vocational rehabilitation services for the disabled.

(2) Such research should include continuous or special studies on the placement of the disabled.

(3) Research should also include scientific work on the different techniques and methods which play a part in vocational rehabilitation.

V. Methods of enabling disabled persons to make use of vocational rehabilitation services

20. Measures should be taken to enable disabled persons to make full use of all available vocational rehabilitation services and to ensure that some authority is made responsible for assisting personally each disabled person to achieve maximum vocational rehabilitation.

21. Such measures should include:

(a) information and publicity on the availability of vocational rehabilitation services and on the prospects which they offer to the disabled;

(b) the provision of appropriate and adequate financial assistance to disabled persons.

22. (1) Such financial assistance should be provided at any stage in the vocational rehabilitation process and should be designed to facilitate the preparation for, and the effective retention of, suitable employment including work on own account.

(2) It should include the provision of free vocational rehabilitation services, maintenance allowances, any necessary transportation expenses incurred during any periods of vocational preparation for employment, and loans or grants of money or the supply of the necessary tools and equipment, and of prosthetic and any other necessary appliances.

23. Disabled persons should be enabled to make use of all vocational rehabilitation services without losing any social security benefits which are unrelated to their participation in these services.

24. Disabled persons living in areas having limited prospects of future employment or limited facilities for preparation for employment should be provided with opportunities for vocational preparation, including provision of board and lodging, and with opportunities for transfer, should they so desire, to areas with greater employment prospects.

25. Disabled persons (including those in receipt of disability pensions) should not as a result of their disability be discriminated against in respect of wages and other conditions of employment if their work is equal to that of non-disabled persons.

VI. Co-operation between the bodies responsible for medical treatment and those responsible for vocational rehabilitation

26. (1) There should be the closest co-operation between, and the maximum co-ordination of, the activities of the bodies responsible for medical treatment and those responsible for the vocational rehabilitation of disabled persons.

(2) This co-operation and co-ordination of activities should exist:

(a) to ensure that medical treatment and, where necessary, the provision of appropriate prosthetic apparatus, are directed to facilitating and developing the subsequent employability of the disabled persons concerned;

(b) to promote the identification of disabled persons in need of, and suitable for, vocational rehabilitation;

(c) to enable vocational rehabilitation to be commenced at the earliest and most suitable stage;

(d) to provide medical advice, where necessary, at all stages of vocational rehabilitation;

(e) to provide assessment of working capacity.

27. Wherever possible, and subject to medical advice, vocational rehabilitation should start during medical treatment.

VII. Methods of widening employment opportunities for disabled persons

28. Measures should be taken, in close co-operation with employers' and workers' organisations, to promote maximum opportunities for disabled persons to secure and retain suitable employment.

29. Such measures should be based on the following principles:

- (a) disabled persons should be afforded an equal opportunity with the non-disabled to perform work for which they are qualified;
- (b) disabled persons should have full opportunity to accept suitable work with employers of their own choice;
- (c) emphasis should be placed on the abilities and work capacities of disabled persons and not on their disabilities.

30. Such measures should include:

- (a) research designed to analyse and demonstrate the working capacity of disabled persons;
- (b) widespread and sustained publicity of a factual kind with special reference to:
 - (i) the work performance, output, accident rate, absenteeism and stability in employment of disabled persons in comparison with non-disabled persons employed in the same work;
 - (ii) personnel selection methods based on specific requirements;
 - (iii) methods of improving work conditions, including adjustment and modification of machinery and equipment, to facilitate the employment of disabled workers;
- (c) the means whereby increased liability of individual employers in respect of workmen's compensation premiums may be eliminated;
- (d) the encouraging of employers to transfer workers whose working capacity has undergone a change as a result of a physical impairment to suitable jobs within their undertakings.

31. Wherever appropriate in the national circumstances, and consistent with national policy, the employment of disabled persons should be promoted by means such as:

- (a) the engagement by employers of a percentage of disabled persons under such arrangements as will avoid the displacement of non-disabled workers;
- (b) reserving certain designated occupations for disabled persons;
- (c) arranging that seriously disabled persons are given opportunities for employment or preference in certain occupations considered suitable for them;
- (d) encouraging the creation and facilitating the operation of co-operatives or other similar enterprises managed by, or on behalf of, disabled persons.

VIII. Sheltered employment

32. (1) Measures should be taken by the competent authority or authorities, in co-operation, as appropriate, with private organisations, to organise and develop arrangements for training and employment under sheltered conditions for those disabled persons who cannot be made fit for ordinary competitive employment.

(2) Such arrangements should include the establishment of sheltered workshops and special measures for those disabled persons who, for physical, psychological or geographical reasons, cannot travel regularly to and from work.

33. Sheltered workshops should provide, under effective medical and vocational supervision, not only useful and remunerative work but opportunities for vocational adjustment and advancement with, whenever possible, transfer to open employment.

34. Special programmes for the homebound should be so organised and developed as to provide, under effective medical and vocational supervision, useful and remunerative work in their own homes.

35. Where and to the extent to which statutory regulation of wages and conditions of employment applying to workers generally is in operation it should apply to disabled persons employed under sheltered conditions.

IX. Special provisions for disabled children and young persons

36. Vocational rehabilitation services for disabled children and young persons of school age should be organised and developed in close co-operation between the authorities responsible for education and the authority or authorities responsible for vocational rehabilitation.

37. Educational programmes should take into account the special problems of disabled children and young persons and their need of opportunities, equal to those of non-disabled children and young persons, to receive education and vocational preparation best suited to their age, abilities, aptitudes and interests.

38. The fundamental purposes of vocational rehabilitation services for disabled children and young persons should be to reduce as much as possible the occupational and psychological handicaps imposed by their disabilities and to offer them full opportunities of preparing for, and entering, the most suitable occupations. The utilisation of these opportunities should involve co-operation between medical, social and educational services and the parents or guardians of the disabled children and young persons.

39. (1) The education, vocational guidance, training and placement of disabled children and young persons should be developed within the general framework of such services to non-disabled children and young persons, and should be conducted, wherever possible and desirable, under the same conditions as, and in company with, non-disabled children and young persons.

(2) Special provision should be made for those disabled children and young persons whose disabilities prevent their participation in such services under the same conditions as, and in company with, non-disabled children and young persons.

(3) This provision should include, in particular, specialised training of teachers.

40. Measures should be taken to ensure that children and young persons found by medical examination to have disabilities or limitations or to be generally unfit for employment:

- (a) receive, as early as possible, proper medical treatment for removing or alleviating their disabilities or limitations;
- (b) are encouraged to attend school or are guided towards suitable occupations likely to be agreeable to them and within their capacity and are provided with opportunities of training for such occupations;
- (c) have the advantage of financial aid, if necessary, during the period of medical treatment, education and vocational training.

X. Application of the principles of vocational rehabilitation

41. (1) Vocational rehabilitation services should be adapted to the particular needs and circumstances of each country and should be developed progressively in the light of these needs and circumstances and in accordance with the principles laid down in this Recommendation.

(2) The main objectives of this progressive development should be:

- (a) to demonstrate and develop the working qualities of disabled persons;
- (b) to promote, in the fullest measure possible, suitable employment opportunities for them;
- (c) to overcome, in respect of training or employment, discrimination against disabled persons on account of their disability.

42. The progressive development of vocational rehabilitation services should be promoted with the help, where desired, of the International Labour Office:

- (a) by the provision, wherever possible, of technical advisory assistance;
- (b) by organising a comprehensive international exchange of experience acquired in different countries; and
- (c) by other forms of international co-operation directed towards the organisation and development of services adapted to the needs and conditions of individual countries and including the training of the staff required.

Private Employment Agencies Convention, 1997 (No. 181)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	10 May 2000	Geneva, ILC 85th Session (19 June 1997)	28

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on 3 June 1997, and

Noting the provisions of the Fee-Charging Employment Agencies Convention (Revised), 1949, and

Being aware of the importance of flexibility in the functioning of labour markets, and

Recalling that the International Labour Conference at its 81st Session, 1994, held the view that the ILO should proceed to revise the Fee-Charging Employment Agencies Convention (Revised), 1949, and

Considering the very different environment in which private employment agencies operate, when compared to the conditions prevailing when the above-mentioned Convention was adopted, and

Recognizing the role which private employment agencies may play in a well-functioning labour market, and

Recalling the need to protect workers against abuses, and

Recognizing the need to guarantee the right to freedom of association and to promote collective bargaining and social dialogue as necessary components of a well-functioning industrial relations system, and

Noting the provisions of the Employment Service Convention, 1948, and

Recalling the provisions of the Forced Labour Convention, 1930, the Freedom of Association and the Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Discrimination (Employment and Occupation) Convention, 1958, the Employment Policy Convention, 1964, the Minimum Age Convention, 1973, the Employment Promotion and Protection against Unemployment Convention, 1988, and the provisions relating to recruitment and placement in the Migration for Employment Convention (Revised), 1949, and the Migrant Workers (Supplementary Provisions) Convention, 1975, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts, this nineteenth day of June of the year one thousand nine hundred and ninety-seven, the following Convention, which may be cited as the Private Employment Agencies Convention, 1997:

Article 1

1. For the purpose of this Convention the term *private employment agency* means any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

- (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;
- (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a “user enterprise”) which assigns their tasks and supervises the execution of these tasks;
- (c) other services relating to jobseeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.

2. For the purpose of this Convention, the term *workers* includes jobseekers.

3. For the purpose of this Convention, the term *processing of personal data of workers* means the collection, storage, combination, communication or any other use of information related to an identified or identifiable worker.

Article 2

1. This Convention applies to all private employment agencies.

2. This Convention applies to all categories of workers and all branches of economic activity. It does not apply to the recruitment and placement of seafarers.

3. One purpose of this Convention is to allow the operation of private employment agencies as well as the protection of the workers using their services, within the framework of its provisions.

4. After consulting the most representative organizations of employers and workers concerned, a Member may:

- (a) prohibit, under specific circumstances, private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1;
- (b) exclude, under specific circumstances, workers in certain branches of economic activity, or parts thereof, from the scope of the Convention or from certain of its provisions, provided that adequate protection is otherwise assured for the workers concerned.

5. A Member which ratifies this Convention shall specify, in its reports under article 22 of the Constitution of the International Labour Organization, any prohibition or exclusion of which it avails itself under paragraph 4 above, and give the reasons therefor.

Article 3

1. The legal status of private employment agencies shall be determined in accordance with national law and practice, and after consulting the most representative organizations of employers and workers.

2. A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or certification, except where they are otherwise regulated or determined by appropriate national law and practice.

Article 4

Measures shall be taken to ensure that the workers recruited by private employment agencies providing the services referred to in Article 1 are not denied the right to freedom of association and the right to bargain collectively.

Article 5

1. In order to promote equality of opportunity and treatment in access to employment and to particular occupations, a Member shall ensure that private employment agencies treat

workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age or disability.

2. Paragraph 1 of this Article shall not be implemented in such a way as to prevent private employment agencies from providing special services or targeted programmes designed to assist the most disadvantaged workers in their jobseeking activities.

Article 6

The processing of personal data of workers by private employment agencies shall be:

- (a) done in a manner that protects this data and ensures respect for workers privacy in accordance with national law and practice;
- (b) limited to matters related to the qualifications and professional experience of the workers concerned and any other directly relevant information.

Article 7

1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

2. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies.

3. A Member which has authorized exceptions under paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organization, provide information on such exceptions and give the reasons therefor.

Article 8

1. A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.

2. Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.

Article 9

A Member shall take measures to ensure that child labour is not used or supplied by private employment agencies.

Article 10

The competent authority shall ensure that adequate machinery and procedures, involving as appropriate the most representative employers and workers organizations, exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies.

Article 11

A Member shall, in accordance with national law and practice, take the necessary measures to ensure adequate protection for the workers employed by private employment agencies as described in Article 1, paragraph 1(b) above, in relation to:

- (a) freedom of association;
- (b) collective bargaining;
- (c) minimum wages;
- (d) working time and other working conditions;
- (e) statutory social security benefits;
- (f) access to training;
- (g) occupational safety and health;
- (h) compensation in case of occupational accidents or diseases;
- (i) compensation in case of insolvency and protection of workers claims;
- (j) maternity protection and benefits, and parental protection and benefits.

Article 12

A Member shall determine and allocate, in accordance with national law and practice, the respective responsibilities of private employment agencies providing the services referred to in paragraph 1(b) of Article 1 and of user enterprises in relation to:

- (a) collective bargaining;
- (b) minimum wages;
- (c) working time and other working conditions;
- (d) statutory social security benefits;
- (e) access to training;
- (f) protection in the field of occupational safety and health;
- (g) compensation in case of occupational accidents or diseases;
- (h) compensation in case of insolvency and protection of workers claims;
- (i) maternity protection and benefits, and parental protection and benefits.

Article 13

1. A Member shall, in accordance with national law and practice and after consulting the most representative organizations of employers and workers, formulate, establish and periodically review conditions to promote cooperation between the public employment service and private employment agencies.

2. The conditions referred to in paragraph 1 above shall be based on the principle that the public authorities retain final authority for:

- (a) formulating labour market policy;
- (b) utilizing or controlling the use of public funds earmarked for the implementation of that policy.

3. Private employment agencies shall, at intervals to be determined by the competent authority, provide to that authority the information required by it, with due regard to the confidential nature of such information:

- (a) to allow the competent authority to be aware of the structure and activities of private employment agencies in accordance with national conditions and practices;
- (b) for statistical purposes.

4. The competent authority shall compile and, at regular intervals, make this information publicly available.

Article 14

1. The provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice, such as court decisions, arbitration awards or collective agreements.

2. Supervision of the implementation of provisions to give effect to this Convention shall be ensured by the labour inspection service or other competent public authorities.

3. Adequate remedies, including penalties where appropriate, shall be provided for and effectively applied in case of violations of this Convention.

Article 15

This Convention does not affect more favourable provisions applicable under other international labour Conventions to workers recruited, placed or employed by private employment agencies.

Article 16

This Convention revises the Fee-Charging Employment Agencies Convention (Revised), 1949, and the Fee-Charging Employment Agencies Convention, 1933.

G

Private Employment Agencies Recommendation, 1997 (No. 188)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 85th Session (19 June 1997)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on 3 June 1997, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Private Employment Agencies Convention, 1997;

adopts, this nineteenth day of June of the year one thousand nine hundred and ninety-seven, the following Recommendation, which may be cited as the Private Employment Agencies Recommendation, 1997:

I. General provisions

1. The provisions of this Recommendation supplement those of the Private Employment Agencies Convention, 1997, (referred to as “the Convention”) and should be applied in conjunction with them.

2. (1) Tripartite bodies or organizations of employers and workers should be involved as far as possible in the formulation and implementation of provisions to give effect to the Convention

(2) Where appropriate, national laws and regulations applicable to private employment agencies should be supplemented by technical standards, guidelines, codes of ethics, self-regulatory mechanisms or other means consistent with national practice.

3. Members should, as may be appropriate and practicable, exchange information and experiences on the contributions of private employment agencies to the functioning of the labour market and communicate this to the International Labour Office.

II. Protection of workers

4. Members should adopt all necessary and appropriate measures to prevent and to eliminate unethical practices by private employment agencies. These measures may include laws or regulations which provide for penalties, including prohibition of private employment agencies engaging in unethical practices.

5. Workers employed by private employment agencies as defined in Article 1.1(b) of the Convention should, where appropriate, have a written contract of employment specifying their terms and conditions of employment. As a minimum requirement, these workers should be informed of their conditions of employment before the effective beginning of their assignment.

6. Private employment agencies should not make workers available to a user enterprise to replace workers of that enterprise who are on strike.

7. The competent authority should combat unfair advertising practices and misleading advertisements, including advertisements for non-existent jobs.

8. Private employment agencies should:

- (a) not knowingly recruit, place or employ workers for jobs involving unacceptable hazards or risks or where they may be subjected to abuse or discriminatory treatment of any kind;
- (b) inform migrant workers, as far as possible in their own language or in a language with which they are familiar, of the nature of the position offered and the applicable terms and conditions of employment.

9. Private employment agencies should be prohibited, or by other means prevented, from drawing up and publishing vacancy notices or offers of employment in ways that directly or indirectly result in discrimination on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership of a workers organization.

10. Private employment agencies should be encouraged to promote equality in employment through affirmative action programmes.

11. Private employment agencies should be prohibited from recording, in files or registers, personal data which are not required for judging the aptitude of applicants for jobs for which they are being or could be considered.

12. (1) Private employment agencies should store the personal data of a worker only for so long as it is justified by the specific purposes for which they have been collected, or so long as the worker wishes to remain on a list of potential job candidates.

(2) Measures should be taken to ensure that workers have access to all their personal data as processed by automated or electronic systems, or kept in a manual file. These measures should include the right of workers to obtain and examine a copy of any such data and the right to demand that incorrect or incomplete data be deleted or corrected.

(3) Unless directly relevant to the requirements of a particular occupation and with the express permission of the worker concerned, private employment agencies should not require, maintain or use information on the medical status of a worker, or use such information to determine the suitability of a worker for employment.

13. Private employment agencies and the competent authority should take measures to promote the utilization of proper, fair and efficient selection methods.

14. Private employment agencies should have properly qualified and trained staff.

15. Having due regard to the rights and duties laid down in national law concerning termination of contracts of employment, private employment agencies providing the services referred to in paragraph 1(b) of Article 1 of the Convention should not:

- (a) prevent the user enterprise from hiring an employee of the agency assigned to it;
- (b) restrict the occupational mobility of an employee;
- (c) impose penalties on an employee accepting employment in another enterprise.

III. Relationship between the public employment service and private employment agencies

16. Cooperation between the public employment service and private employment agencies in relation to the implementation of a national policy on organizing the labour market should be encouraged; for this purpose, bodies may be established that include representatives of the public employment service and private employment agencies, as well as of the most representative organizations of employers and workers.

17. Measures to promote cooperation between the public employment service and private employment agencies could include:

- (a) pooling of information and use of common terminology so as to improve transparency of labour market functioning;
- (b) exchanging vacancy notices;
- (c) launching of joint projects, for example in training;
- (d) concluding agreements between the public employment service and private employment agencies regarding the execution of certain activities, such as projects for the integration of the long-term unemployed;
- (e) training of staff;
- (f) consulting regularly with a view to improving professional practices.

Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 86th Session (17 June 1998)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-sixth Session on 2 June 1998, and

Recognizing the need for the pursuit of the economic, social, and spiritual well-being and development of individuals, families, communities and nations,

Aware of the importance of job creation in small and medium-sized enterprises, Recalling the resolution concerning the promotion of small and medium-sized enterprises adopted by the International Labour Conference at its 72nd Session, 1986, as well as the Conclusions set out in the resolution concerning employment policies in a global context, adopted by the Conference at its 83rd Session, 1996,

Noting that small and medium-sized enterprises, as a critical factor in economic growth and development, are increasingly responsible for the creation of the majority of jobs throughout the world, and can help create an environment for innovation and entrepreneurship,

Understanding the special value of productive, sustainable and quality jobs,

Recognizing that small and medium-sized enterprises provide the potential for women and other traditionally disadvantaged groups to gain access under better conditions to productive, sustainable and quality employment opportunities,

Convinced that promoting respect for the Forced Labour Convention, 1930, the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Equal Remuneration Convention, 1951, the Abolition of Forced Labour Convention, 1957, and the Discrimination (Employment and Occupation) Convention, 1958, will enhance the creation of quality employment in small

and medium-sized enterprises and in particular that promoting respect for the Minimum Age Convention and Recommendation, 1973, will help Members in their efforts to eliminate child labour,

Also convinced that the adoption of new provisions on job creation in small and medium-sized enterprises, to be taken into account together with:

- (a) the relevant provisions of other international labour Conventions and Recommendations as appropriate, such as the Employment Policy Convention and Recommendation, 1964, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, the Co-operatives (Developing Countries) Recommendation, 1966, the Human Resources Development Convention and Recommendation, 1975, and the Occupational Safety and Health Convention and Recommendation, 1981; and
- (b) other proven ILO initiatives promoting the role of small and medium-sized enterprises in sustainable job creation and encouraging adequate and common application of social protection, including Start and Improve Your Business and other programmes as well as the work of the International Training Centre of the ILO in training and skills enhancement,

will provide valuable guidance for Members in the design and implementation of policies on job creation in small and medium-sized enterprises,

Having decided upon the adoption of certain proposals with regard to general conditions to stimulate job creation in small and medium-sized enterprises, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-eight the following Recommendation which may be cited as the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998.

I. Definition, purpose and scope

1. Members should, in consultation with the most representative organizations of employers and workers, define small and medium-sized enterprises by reference to such criteria as may be considered appropriate, taking account of national social and economic conditions, it being understood that this flexibility should not preclude Members from arriving at commonly agreed definitions for data collection and analysis purposes.

2. Members should adopt measures which are appropriate to national conditions and consistent with national practice in order to recognize and to promote the fundamental role that small and medium-sized enterprises can play as regards:

- (a) the promotion of full, productive and freely chosen employment;
- (b) greater access to income-earning opportunities and wealth creation leading to productive and sustainable employment;
- (c) sustainable economic growth and the ability to react with flexibility to changes;
- (d) increased economic participation of disadvantaged and marginalized groups in society;
- (e) increased domestic savings and investment;
- (f) training and development of human resources;
- (g) balanced regional and local development;
- (h) provision of goods and services which are better adapted to local market needs;
- (i) access to improved quality of work and working conditions which may contribute to a better quality of life, as well as allow large numbers of people to have access to social protection;
- (j) stimulating innovation, entrepreneurship, technology development and research;
- (k) access to domestic and international markets; and
- (l) the promotion of good relations between employers and workers.

3. In order to promote the fundamental role of small and medium-sized enterprises referred to in Paragraph 2, Members should adopt appropriate measures and enforcement mechanisms to safeguard the interests of workers in such enterprises by providing them with the basic protection available under other relevant instruments.

4. The provisions of this Recommendation apply to all branches of economic activity and all types of small and medium-sized enterprises, irrespective of the form of ownership (for example, private and public companies, cooperatives, partnerships, family enterprises, and sole proprietorships).

II. Policy and legal framework

5. In order to create an environment conducive to the growth and development of small and medium-sized enterprises, Members should:

- (a) adopt and pursue appropriate fiscal, monetary and employment policies to promote an optimal economic environment (as regards, in particular, inflation, interest and exchange rates, taxation, employment and social stability);
- (b) establish and apply appropriate legal provisions as regards, in particular, property rights, including intellectual property, location of establishments, enforcement of contracts, fair competition as well as adequate social and labour legislation;
- (c) improve the attractiveness of entrepreneurship by avoiding policy and legal measures which disadvantage those who wish to become entrepreneurs.

6. The measures referred to in Paragraph 5 should be complemented by policies for the promotion of efficient and competitive small and medium-sized enterprises able to provide productive and sustainable employment under adequate social conditions. To this end, Members should consider policies that:

(1) create conditions which:

- (a) provide for all enterprises, whatever their size or type:
 - (i) equal opportunity as regards, in particular, access to credit, foreign exchange and imported inputs; and
 - (ii) fair taxation;
- (b) ensure the non-discriminatory application of labour legislation, in order to raise the quality of employment in small and medium-sized enterprises;
- (c) promote observance by small and medium-sized enterprises of international labour standards related to child labour;

(2) remove constraints to the development and growth of small and medium-sized enterprises, arising in particular from:

- (a) difficulties of access to credit and capital markets;
- (b) low levels of technical and managerial skills;
- (c) inadequate information;
- (d) low levels of productivity and quality;
- (e) insufficient access to markets;
- (f) difficulties of access to new technologies;
- (g) lack of transport and communications infrastructure;
- (h) inappropriate, inadequate or overly burdensome registration, licensing, reporting and other administrative requirements, including those which are disincentives to the hiring of personnel, without prejudicing the level of conditions of employment effectiveness of labour inspection or the system of supervision of working conditions and related issues;
- (i) insufficient support for research and development;
- (j) difficulties in access to public and private procurement opportunities;

(3) include specific measures and incentives aimed at assisting and upgrading the informal sector to become part of the organized sector.

7. With a view to the formulation of such policies Members should, where appropriate:

(1) collect national data on the small and medium-sized enterprise sector, covering inter alia quantitative and qualitative aspects of employment, while ensuring that this does not result in undue administrative burdens for small and medium-sized enterprises;

(2) undertake a comprehensive review of the impact of existing policies and regulations on small and medium-sized enterprises, with particular attention to the impact of structural adjustment programmes on job creation;

(3) review labour and social legislation, in consultation with the most representative organizations of employers and workers, to determine whether:

- (a) such legislation meets the needs of small and medium-sized enterprises, while ensuring adequate protection and working conditions for their workers;
- (b) there is a need for supplementary measures as regards social protection, such as voluntary schemes, cooperative initiatives and others;
- (c) such social protection extends to workers in small and medium-sized enterprises and there are adequate provisions to ensure compliance with social security regulations in areas such as medical care, sickness, unemployment, old-age, employment injury, family, maternity, invalidity and survivors' benefits.

8. In times of economic difficulties, governments should seek to provide strong and effective assistance to small and medium-sized enterprises and their workers.

9. In formulating these policies, Members:

(1) may consult, in addition to the most representative organizations of employers and workers, other concerned and competent parties as they deem appropriate;

(2) should take into account other policies in such areas as fiscal and monetary matters, trade and industry, employment, labour, social protection, gender equality, occupational safety and health and capacity-building through education and training;

(3) should establish mechanisms to review these policies, in consultation with the most representative organizations of employers and workers, and to update them.

III. Development of an enterprise culture

10. Members should adopt measures, drawn up in consultation with the most representative organizations of employers and workers, to create and strengthen an enterprise culture which favours initiatives, enterprise creation, productivity, environmental consciousness, quality, good labour and industrial relations, and adequate social practices which are equitable. To this end, Members should consider:

(1) pursuing the development of entrepreneurial attitudes, through the system and programmes of education, entrepreneurship and training linked to job needs and the attainment of economic growth and development, with particular emphasis being given to the importance of good labour relations and the multiple vocational and managerial skills needed by small and medium-sized enterprises;

(2) seeking, through appropriate means, to encourage a more positive attitude towards risk-taking and business failure by recognizing their value as a learning experience while at the same time recognizing their impact on both entrepreneurs and workers;

(3) encouraging a process of lifelong learning for all categories of workers and entrepreneurs;

(4) designing and implementing, with full involvement of the organizations of employers and workers concerned, awareness campaigns to promote:

- (a) respect for the rule of law and workers' rights, better working conditions, higher productivity and improved quality of goods and services;
- (b) entrepreneurial role models and award schemes, taking due account of the specific needs of women, and of disadvantaged and marginalized groups.

IV. Development of an effective service infrastructure

11. In order to enhance the growth, job-creation potential and competitiveness of small and medium-sized enterprises, consideration should be given to the availability and accessibility of a range of direct and indirect support services for them and their workers, to include:

- (a) business pre-start-up, start-up and development assistance;
- (b) business plan development and follow-up;
- (c) business incubators;
- (d) information services, including advice on government policies;

- (e) consultancy and research services;
- (f) managerial and vocational skills enhancement;
- (g) promotion and development of enterprise-based training;
- (h) support for training in occupational safety and health;
- (i) assistance in upgrading the literacy, numeracy, computer competencies and basic education levels of managers and employees;
- (j) access to energy, telecommunications and physical infrastructure such as water, electricity, premises, transportation and roads, provided directly or through private sector intermediaries;
- (k) assistance in understanding and applying labour legislation, including provisions on workers' rights, as well as in human resources development and the promotion of gender equality;
- (l) legal, accounting and financial services;
- (m) support for innovation and modernization;
- (n) advice regarding technology;
- (o) advice on the effective application of information and communication technologies to the business process;
- (p) access to capital markets, credit and loan guarantees;
- (q) advice in finance, credit and debt management;
- (r) export promotion and trade opportunities in national and international markets;
- (s) market research and marketing assistance;
- (t) assistance in product design, development and presentation;
- (u) quality management, including quality testing and measurement;
- (v) packaging services;
- (w) environmental management services.

12. As far as possible, the support services referred to in Paragraph 11 should be designed and provided to ensure optimum relevance and efficiency through such means as:

- (a) adapting the services and their delivery to the specific needs of small and medium-sized enterprises, taking into account prevailing economic, social and cultural conditions, as well as differences in terms of size, sector and stage of development;
- (b) ensuring active involvement of small and medium-sized enterprises and the most representative organizations of employers and workers in the determination of the services to be offered;
- (c) involving the public and private sector in the delivery of such services through, for example, organizations of employers and workers, semi-public organizations, private consultants, technology parks, business incubators and small and medium-sized enterprises themselves;
- (d) decentralizing the delivery of services, thereby bringing them as physically close to small and medium-sized enterprises as possible;
- (e) promoting easy access to an integrated range of effective services through "single window" arrangements or referral services;
- (f) aiming towards self-sustainability for service providers through a reasonable degree of cost recovery from small and medium-sized enterprises and other sources, in such a manner as to avoid distorting the markets for such services and to enhance the employment creation potential of small and medium-sized enterprises;
- (g) ensuring professionalism and accountability in the management of service delivery;
- (h) establishing mechanisms for continuous monitoring, evaluation and updating of services.

13. Services should be designed to include productivity-enhancing and other approaches which promote efficiency and help small and medium-sized enterprises to sustain competitiveness in domestic and international markets, while at the same time improving labour practices and working conditions.

14. Members should facilitate access of small and medium-sized enterprises to finance and credit under satisfactory conditions. In this connection:

- (1) credit and other financial services should as far as possible be provided on commercial terms to ensure their sustainability, except in the case of particularly vulnerable groups of entrepreneurs;

(2) supplementary measures should be taken to simplify administrative procedures, reduce transaction costs and overcome problems related to inadequate collateral by, for example, the creation of non-governmental financial retail agencies and development finance institutions addressing poverty alleviation;

(3) small and medium-sized enterprises may be encouraged to organize in mutual guarantee associations;

(4) the creation of venture capital and other organizations, specializing in assistance to innovative small and medium-sized enterprises, should be encouraged.

15. Members should consider appropriate policies to improve all aspects of employment in small and medium-sized enterprises by ensuring the non-discriminatory application of protective labour and social legislation.

16. Members should, in addition:

(1) facilitate, where appropriate, the development of organizations and institutions which can effectively support the growth and competitiveness of small and medium-sized enterprises. In this regard, consultation with the most representative organizations of employers and workers should be considered;

(2) consider adequate measures to promote cooperative linkages between small and medium-sized enterprises and larger enterprises. In this connection, measures should be taken to safeguard the legitimate interests of the small and medium-sized enterprises concerned and of their workers;

(3) consider measures to promote linkages between small and medium-sized enterprises to encourage the exchange of experience as well the sharing of resources and risks. In this connection, small and medium-sized enterprises might be encouraged to form structures such as consortia, networks and production and service cooperatives, taking into account the importance of the role of organizations of employers and workers;

(4) consider specific measures and incentives for persons aspiring to become entrepreneurs among selected categories of the population, such as women, long-term unemployed, persons affected by structural adjustment or restrictive and discriminatory practices, disabled persons, demobilized military personnel, young persons including graduates, older workers, ethnic minorities and indigenous and tribal peoples. The detailed identification of these categories should be carried out taking into account national socio-economic priorities and circumstances;

(5) consider special measures to improve communication and relations between government agencies and small and medium-sized enterprises as well as the most representative organizations of such enterprises, in order to improve the effectiveness of government policies aimed at job creation;

(6) encourage support for female entrepreneurship, recognizing the growing importance of women in the economy, through measures designed specifically for women who are or wish to become entrepreneurs.

V. Roles of organizations of employers and workers

17. Organizations of employers or workers should consider contributing to the development of small and medium-sized enterprises in the following ways:

- (a) articulating to governments the concerns of small and medium-sized enterprises or their workers, as appropriate;
- (b) providing direct support services in such areas as training, consultancy, easier access to credit, marketing, advice on industrial relations and promoting linkages with larger enterprises;
- (c) cooperating with national, regional and local institutions as well as with intergovernmental regional organizations which provide support to small and medium-sized enterprises in such areas as training, consultancy, business start-up and quality control;
- (d) participating in councils, task forces and other bodies at national, regional and local levels established to deal with important economic and social issues, including policies and programmes, affecting small and medium-sized enterprises;
- (e) promoting and taking part in the development of economically beneficial and socially progressive restructuring (by such means as retraining and promotion of self-employment) with appropriate social safety nets;

- (f) participating in the promotion of exchange of experience and establishment of linkages between small and medium-sized enterprises;
- (g) participating in the monitoring and analysis of social and labour-market issues affecting small and medium-sized enterprises, concerning such matters as terms of employment, working conditions, social protection and vocational training, and promoting corrective action as appropriate;
- (h) participating in activities to raise quality and productivity, as well as to promote ethical standards, gender equality and non-discrimination;
- (i) preparing studies on small and medium-sized enterprises, collecting statistical and other types of information relevant to the sector, including statistics disaggregated by gender and age, and sharing this information, as well as lessons of best practice, with other national and international organizations of employers and workers;
- (j) providing services and advice on workers' rights, labour legislation and social protection for workers in small and medium-sized enterprises.

18. Small and medium-sized enterprises and their workers should be encouraged to be adequately represented, in full respect for freedom of association. In this connection, organizations of employers and workers should consider widening their membership base to include small and medium-sized enterprises.

VI. International cooperation

19. Appropriate international cooperation should be encouraged in the following areas:

- (a) establishment of common approaches to the collection of comparable data, to support policy-making;
- (b) exchange of information, disaggregated by gender, age and other relevant variables, on best practices in terms of policies and programmes to create jobs and to raise the quality of employment in small and medium-sized enterprises;
- (c) creation of linkages between national and international bodies and institutions that are involved in the development of small and medium-sized enterprises, including organizations of employers and workers, in order to facilitate:
 - (i) exchange of staff, experiences and ideas;
 - (ii) exchange of training materials, training methodologies and reference materials;
 - (iii) compilation of research findings and other quantitative and qualitative data, disaggregated by gender and age, on small and medium-sized enterprises and their development;
 - (iv) establishment of international partnerships and alliances of small and medium-sized enterprises, subcontracting arrangements and other commercial linkages;
 - (v) development of new mechanisms, utilizing modern information technology, for the exchange of information among governments, employers' organizations and workers' organizations on experience gained with regard to the promotion of small and medium-sized enterprises;
- (d) international meetings and discussion groups on approaches to job creation through the development of small and medium-sized enterprises, including support for female entrepreneurship. Similar approaches for job creation and entrepreneurship will be helpful for disadvantaged and marginalized groups;
- (e) systematic research in a variety of contexts and countries into key success factors for promoting small and medium-sized enterprises which are both efficient and capable of creating jobs providing good working conditions and adequate social protection;
- (f) promotion of access by small and medium-sized enterprises and their workers to national and international databases on such subjects as employment opportunities, market information, laws and regulations, technology and product standards.

20. Members should promote the contents of this Recommendation with other international bodies. Members should also be open to cooperation with those bodies, where appropriate, when evaluating and implementing the provisions of this Recommendation, and take into consideration the prominent role played by the ILO in the promotion of job creation in small and medium-sized enterprises.

Promotion of Cooperatives Recommendation, 2002 (No. 193)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 90th Session (20 June 2002)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Recognizing the importance of cooperatives in job creation, mobilizing resources, generating investment and their contribution to the economy, and

Recognizing that cooperatives in their various forms promote the fullest participation in the economic and social development of all people, and

Recognizing that globalization has created new and different pressures, problems, challenges and opportunities for cooperatives, and that stronger forms of human solidarity at national and international levels are required to facilitate a more equitable distribution of the benefits of globalization, and Noting the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference at its 86th Session (1998), and Noting the rights and principles embodied in international labour Conventions and Recommendations, in particular the Forced Labour Convention, 1930; the Freedom of Association and Protection of the Right to Organise Convention, 1948; the Right to Organise and Collective Bargaining Convention, 1949; the Equal Remuneration Convention, 1951; the Social Security (Minimum Standards) Convention, 1952; the Abolition of Forced Labour Convention, 1957; the Discrimination (Employment and Occupation) Convention, 1958; the Employment Policy Convention, 1964; the Minimum Age Convention, 1973; the Rural Workers' Organisations Convention and Recommendation, 1975; the Human Resources Development Convention and Recommendation, 1975; the Employment Policy (Supplementary Provisions) Recommendation, 1984; the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998; and the Worst Forms of Child Labour Convention, 1999, and

Recalling the principle embodied in the Declaration of Philadelphia that "labour is not a commodity", and

Recalling that the realization of decent work for workers everywhere is a primary objective of the International Labour Organization, and

Having decided upon the adoption of certain proposals with regard to the promotion of cooperatives, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this twentieth day of June of the year two thousand and two the following Recommendation, which may be cited as the Promotion of Cooperatives Recommendation, 2002.

I. Scope, definition and objectives

1. It is recognized that cooperatives operate in all sectors of the economy. This Recommendation applies to all types and forms of cooperatives.

2. For the purposes of this Recommendation, the term "cooperative" means an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise.

3. The promotion and strengthening of the identity of cooperatives should be encouraged on the basis of:

- (a) cooperative values of self-help, self-responsibility, democracy, equality, equity and solidarity; as well as ethical values of honesty, openness, social responsibility and caring for others; and
- (b) cooperative principles as developed by the international cooperative movement and as referred to in the Annex hereto. These principles are: voluntary and open membership; democratic member

control; member economic participation; autonomy and independence; education, training and information; cooperation among cooperatives; and concern for community.

4. Measures should be adopted to promote the potential of cooperatives in all countries, irrespective of their level of development, in order to assist them and their membership to:

- (a) create and develop income-generating activities and sustainable decent employment;
- (b) develop human resource capacities and knowledge of the values, advantages and benefits of the cooperative movement through education and training;
- (c) develop their business potential, including entrepreneurial and managerial capacities;
- (d) strengthen their competitiveness as well as gain access to markets and to institutional finance;
- (e) increase savings and investment;
- (f) improve social and economic well-being, taking into account the need to eliminate all forms of discrimination;
- (g) contribute to sustainable human development; and
- (h) establish and expand a viable and dynamic distinctive sector of the economy, which includes cooperatives, that responds to the social and economic needs of the community.

5. The adoption of special measures should be encouraged to enable cooperatives, as enterprises and organizations inspired by solidarity, to respond to their members' needs and the needs of society, including those of disadvantaged groups in order to achieve their social inclusion.

II. Policy framework and role of governments

6. A balanced society necessitates the existence of strong public and private sectors, as well as a strong cooperative, mutual and the other social and non-governmental sector. It is in this context that Governments should provide a supportive policy and legal framework consistent with the nature and function of cooperatives and guided by the cooperative values and principles set out in Paragraph 3, which would:

- (a) establish an institutional framework with the purpose of allowing for the registration of cooperatives in as rapid, simple, affordable and efficient a manner as possible;
- (b) promote policies aimed at allowing the creation of appropriate reserves, part of which at least could be indivisible, and solidarity funds within cooperatives;
- (c) provide for the adoption of measures for the oversight of cooperatives, on terms appropriate to their nature and functions, which respect their autonomy, and are in accordance with national law and practice, and which are no less favourable than those applicable to other forms of enterprise and social organization;
- (d) facilitate the membership of cooperatives in cooperative structures responding to the needs of cooperative members; and
- (e) encourage the development of cooperatives as autonomous and self-managed enterprises, particularly in areas where cooperatives have an important role to play or provide services that are not otherwise provided.

7. (1) The promotion of cooperatives guided by the values and principles set out in Paragraph 3 should be considered as one of the pillars of national and international economic and social development.

(2) Cooperatives should be treated in accordance with national law and practice and on terms no less favourable than those accorded to other forms of enterprise and social organization. Governments should introduce support measures, where appropriate, for the activities of cooperatives that meet specific social and public policy outcomes, such as employment promotion or the development of activities benefiting disadvantaged groups or regions. Such measures could include, among others and in so far as possible, tax benefits, loans, grants, access to public works programmes, and special procurement provisions.

(3) Special consideration should be given to increasing women's participation in the cooperative movement at all levels, particularly at management and leadership levels.

8. (1) National policies should notably:

- (a) promote the ILO fundamental labour standards and the ILO Declaration on Fundamental Principles and Rights at Work, for all workers in cooperatives without distinction whatsoever;
- (b) ensure that cooperatives are not set up for, or used for, non-compliance with labour law or used to establish disguised employment relationships, and combat pseudo cooperatives violating workers' rights, by ensuring that labour legislation is applied in all enterprises;
- (c) promote gender equality in cooperatives and in their work;
- (d) promote measures to ensure that best labour practices are followed in cooperatives, including access to relevant information;
- (e) develop the technical and vocational skills, entrepreneurial and managerial abilities, knowledge of business potential, and general economic and social policy skills, of members, workers and managers, and improve their access to information and communication technologies;
- (f) promote education and training in cooperative principles and practices, at all appropriate levels of the national education and training systems, and in the wider society;
- (g) promote the adoption of measures that provide for safety and health in the workplace;
- (h) provide for training and other forms of assistance to improve the level of productivity and competitiveness of cooperatives and the quality of goods and services they produce;
- (i) facilitate access of cooperatives to credit;
- (j) facilitate access of cooperatives to markets;
- (k) promote the dissemination of information on cooperatives; and
- (l) seek to improve national statistics on cooperatives with a view to the formulation and implementation of development policies.

(2) Such policies should:

- (a) decentralize to the regional and local levels, where appropriate, the formulation and implementation of policies and regulations regarding cooperatives;
- (b) define legal obligations of cooperatives in areas such as registration, financial and social audits, and the obtaining of licences; and
- (c) promote best practice on corporate governance in cooperatives.

9. Governments should promote the important role of cooperatives in transforming what are often marginal survival activities (sometimes referred to as the "informal economy") into legally protected work, fully integrated into mainstream economic life.

III. Implementation of public policies for the promotion of cooperatives

10. (1) Member States should adopt specific legislation and regulations on cooperatives, which are guided by the cooperative values and principles set out in Paragraph 3, and revise such legislation and regulations when appropriate.

(2) Governments should consult cooperative organizations, as well as the employers' and workers' organizations concerned, in the formulation and revision of legislation, policies and regulations applicable to cooperatives.

11. (1) Governments should facilitate access of cooperatives to support services in order to strengthen them, their business viability and their capacity to create employment and income.

(2) These services should include, wherever possible:

- (a) human resource development programmes;
- (b) research and management consultancy services;
- (c) access to finance and investment;
- (d) accountancy and audit services;
- (e) management information services;
- (f) information and public relations services;
- (g) consultancy services on technology and innovation;
- (h) legal and taxation services;
- (i) support services for marketing; and
- (j) other support services where appropriate.

(3) Governments should facilitate the establishment of these support services. Cooperatives and their organizations should be encouraged to participate in the organization and management of these services and, wherever feasible and appropriate, to finance them.

(4) Governments should recognize the role of cooperatives and their organizations by developing appropriate instruments aimed at creating and strengthening cooperatives at national and local levels.

12. Governments should, where appropriate, adopt measures to facilitate the access of cooperatives to investment finance and credit. Such measures should notably:

- (a) allow loans and other financial facilities to be offered;
- (b) simplify administrative procedures, remedy any inadequate level of cooperative assets, and reduce the cost of loan transactions;
- (c) facilitate an autonomous system of finance for cooperatives, including savings and credit, banking and insurance cooperatives; and
- (d) include special provisions for disadvantaged groups.

13. For the promotion of the cooperative movement, governments should encourage conditions favouring the development of technical, commercial and financial linkages among all forms of cooperatives so as to facilitate an exchange of experience and the sharing of risks and benefits.

IV. Role of employers' and workers' organizations and cooperative organizations, and relationships between them

14. Employers' and workers' organizations, recognizing the significance of cooperatives for the attainment of sustainable development goals, should seek, together with cooperative organizations, ways and means of cooperative promotion.

15. Employers' organizations should consider, where appropriate, the extension of membership to cooperatives wishing to join them and provide appropriate support services on the same terms and conditions applying to other members.

16. Workers' organizations should be encouraged to:

- (a) advise and assist workers in cooperatives to join workers' organizations;
- (b) assist their members to establish cooperatives, including with the aim of facilitating access to basic goods and services;
- (c) participate in committees and working groups at the local, national and international levels that consider economic and social issues having an impact on cooperatives;
- (d) assist and participate in the setting up of new cooperatives with a view to the creation or maintenance of employment, including in cases of proposed closures of enterprises;
- (e) assist and participate in programmes for cooperatives aimed at improving their productivity;
- (f) promote equality of opportunity in cooperatives;
- (g) promote the exercise of the rights of worker-members of cooperatives; and
- (h) undertake any other activities for the promotion of cooperatives, including education and training.

17. Cooperatives and organizations representing them should be encouraged to:

- (a) establish an active relationship with employers' and workers' organizations and concerned governmental and non-governmental agencies with a view to creating a favourable climate for the development of cooperatives;
- (b) manage their own support services and contribute to their financing;
- (c) provide commercial and financial services to affiliated cooperatives;
- (d) invest in, and further, human resource development of their members, workers and managers;
- (e) further the development of and affiliation with national and international cooperative organizations;
- (f) represent the national cooperative movement at the international level; and
- (g) undertake any other activities for the promotion of cooperatives.

V. International cooperation

18. International cooperation should be facilitated through:
- (a) exchanging information on policies and programmes that have proved to be effective in employment creation and income generation for members of cooperatives;
 - (b) encouraging and promoting relationships between national and international bodies and institutions involved in the development of cooperatives in order to permit:
 - (i) the exchange of personnel and ideas, of educational and training materials, methodologies and reference materials;
 - (ii) the compilation and utilization of research material and other data on cooperatives and their development;
 - (iii) the establishment of alliances and international partnerships between cooperatives;
 - (iv) the promotion and protection of cooperative values and principles; and
 - (v) the establishment of commercial relations between cooperatives;
 - (c) access of cooperatives to national and international data, such as market information, legislation, training methods and techniques, technology and product standards; and
 - (d) developing, where it is warranted and possible, and in consultation with cooperatives, employers' and workers' organizations concerned, common regional and international guidelines and legislation to support cooperatives.

VI. Final provision

19. The present Recommendation revises and replaces the Co-operatives (Developing Countries) Recommendation, 1966.

ANNEX

Extract from the statement on the cooperative identity, adopted by the General Assembly of the International Co-Operative Alliance in 1995

The cooperative principles are guidelines by which cooperatives put their values into practice.

Voluntary and open membership

Cooperatives are voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

Democratic member control

Cooperatives are democratic organizations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership. In primary cooperatives members have equal voting rights (one member, one vote) and cooperatives at other levels are also organized in a democratic manner.

Member economic participation

Members contribute equitably to, and democratically control, the capital of their cooperative. At least part of that capital is usually the common property of the cooperative.

Members usually receive limited compensation, if any, on capital subscribed as a condition of membership. Members allocate surpluses for any or all of the following purposes: developing their cooperative, possibly by setting up reserves, part of which at least would be indivisible; benefiting members in proportion to their transactions with the cooperative; and supporting other activities approved by the membership.

Autonomy and independence

Cooperatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external

sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.

Education, training and information

Cooperatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their cooperatives. They inform the general public – particularly young people and opinion leaders – about the nature and benefits of cooperation.

Cooperation among cooperatives

Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.

Concern for community

Cooperatives work for the sustainable development of their communities through policies approved by their members.

G

Employment Relationship Recommendation, 2006 (No. 198)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 95th Session (15 June 2006)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006, and

Considering that there is protection offered by national laws and regulations and collective agreements which are linked to the existence of an employment relationship between an employer and an employee, and

Considering that laws and regulations, and their interpretation, should be compatible with the objectives of decent work, and

Considering that employment or labour law seeks, among other things, to address what can be an unequal bargaining position between parties to an employment relationship, and

Considering that the protection of workers is at the heart of the mandate of the International Labour Organization, and in accordance with principles set out in the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and the Decent Work Agenda, and

Considering the difficulties of establishing whether or not an employment relationship exists in situations where the respective rights and obligations of the parties concerned are not clear, where there has been an attempt to disguise the employment relationship, or where inadequacies or limitations exist in the legal framework, or in its interpretation or application, and

Noting that situations exist where contractual arrangements can have the effect of depriving workers of the protection they are due, and

Recognizing that there is a role for international guidance to Members in achieving this protection through national law and practice, and that such guidance should remain relevant over time, and

Further recognizing that such protection should be accessible to all, particularly vulnerable workers, and should be based on law that is efficient, effective and comprehensive, with expeditious outcomes, and that encourages voluntary compliance, and

Recognizing that national policy should be the result of consultation with the social partners and should provide guidance to the parties concerned in the workplace, and

Recognizing that national policy should promote economic growth, job creation and decent work, and

Considering that the globalized economy has increased the mobility of workers who are in need of protection, at least against circumvention of national protection by choice of law, and

Noting that, in the framework of transnational provision of services, it is important to establish who is considered a worker in an employment relationship, what rights the worker has, and who the employer is, and

Considering that the difficulties in establishing the existence of an employment relationship may create serious problems for those workers concerned, their communities, and society at large, and

Considering that the uncertainty as to the existence of an employment relationship needs to be addressed to guarantee fair competition and effective protection of workers in an employment relationship in a manner appropriate to national law or practice, and

Noting all relevant international labour standards, especially those addressing the particular situation of women, as well as those addressing the scope of the employment relationship, and

Having decided upon the adoption of certain proposals with regard to the employment relationship, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this fifteenth day of June of the year two thousand and six the following Recommendation, which may be cited as the Employment Relationship Recommendation, 2006.

I. National policy and protection for workers in an employment relationship

1. Members should formulate and apply a national policy for reviewing at appropriate intervals and, if necessary, clarifying and adapting the scope of relevant laws and regulations, in order to guarantee effective protection for workers who perform work in the context of an employment relationship.

2. The nature and extent of protection given to workers in an employment relationship should be defined by national law or practice, or both, taking into account relevant international labour standards. Such law or practice, including those elements pertaining to scope, coverage and responsibility for implementation, should be clear and adequate to ensure effective protection for workers in an employment relationship.

3. National policy should be formulated and implemented in accordance with national law and practice in consultation with the most representative organizations of employers and workers.

4. National policy should at least include measures to:

- (a) provide guidance for the parties concerned, in particular employers and workers, on effectively establishing the existence of an employment relationship and on the distinction between employed and self-employed workers;
- (b) combat disguised employment relationships in the context of, for example, other relationships that may include the use of other forms of contractual arrangements that hide the true legal status, noting that a disguised employment relationship occurs when the employer treats an individual as other than an employee in a manner that hides his or her true legal status as an employee, and that situations can arise where contractual arrangements have the effect of depriving workers of the protection they are due;
- (c) ensure standards applicable to all forms of contractual arrangements, including those involving multiple parties, so that employed workers have the protection they are due;
- (d) ensure that standards applicable to all forms of contractual arrangements establish who is responsible for the protection contained therein;
- (e) provide effective access of those concerned, in particular employers and workers, to appropriate, speedy, inexpensive, fair and efficient procedures and mechanisms for settling disputes regarding the existence and terms of an employment relationship;

- (f) ensure compliance with, and effective application of, laws and regulations concerning the employment relationship; and
- (g) provide for appropriate and adequate training in relevant international labour standards, comparative and case law for the judiciary, arbitrators, mediators, labour inspectors, and other persons responsible for dealing with the resolution of disputes and enforcement of national employment laws and standards.

5. Members should take particular account in national policy to ensure effective protection to workers especially affected by the uncertainty as to the existence of an employment relationship, including women workers, as well as the most vulnerable workers, young workers, older workers, workers in the informal economy, migrant workers and workers with disabilities.

6. Members should:

- (a) take special account in national policy to address the gender dimension in that women workers predominate in certain occupations and sectors where there is a high proportion of disguised employment relationships, or where there is a lack of clarity of an employment relationship; and
- (b) have clear policies on gender equality and better enforcement of the relevant laws and agreements at national level so that the gender dimension can be effectively addressed.

7. In the context of the transnational movement of workers:

- (a) in framing national policy, a Member should, after consulting the most representative organizations of employers and workers, consider adopting appropriate measures within its jurisdiction, and where appropriate in collaboration with other Members, so as to provide effective protection to and prevent abuses of migrant workers in its territory who may be affected by uncertainty as to the existence of an employment relationship;
- (b) where workers are recruited in one country for work in another, the Members concerned may consider concluding bilateral agreements to prevent abuses and fraudulent practices which have as their purpose the evasion of the existing arrangements for the protection of workers in the context of an employment relationship.

8. National policy for protection of workers in an employment relationship should not interfere with true civil and commercial relationships, while at the same time ensuring that individuals in an employment relationship have the protection they are due.

II. Determination of the existence of an employment relationship

9. For the purposes of the national policy of protection for workers in an employment relationship, the determination of the existence of such a relationship should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties.

10. Members should promote clear methods for guiding workers and employers as to the determination of the existence of an employment relationship.

11. For the purpose of facilitating the determination of the existence of an employment relationship, Members should, within the framework of the national policy referred to in this Recommendation, consider the possibility of the following:

- (a) allowing a broad range of means for determining the existence of an employment relationship;
- (b) providing for a legal presumption that an employment relationship exists where one or more relevant indicators is present; and
- (c) determining, following prior consultations with the most representative organizations of employers and workers, that workers with certain characteristics, in general or in a particular sector, must be deemed to be either employed or self-employed.

12. For the purposes of the national policy referred to in this Recommendation, Members may consider clearly defining the conditions applied for determining the existence of an employment relationship, for example, subordination or dependence.

13. Members should consider the possibility of defining in their laws and regulations, or by other means, specific indicators of the existence of an employment relationship. Those indicators might include:

- (a) the fact that the work: is carried out according to the instructions and under the control of another party; involves the integration of the worker in the organization of the enterprise; is performed solely or mainly for the benefit of another person; must be carried out personally by the worker; is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work; is of a particular duration and has a certain continuity; requires the worker's availability; or involves the provision of tools, materials and machinery by the party requesting the work;
- (b) periodic payment of remuneration to the worker; the fact that such remuneration constitutes the worker's sole or principal source of income; provision of payment in kind, such as food, lodging or transport; recognition of entitlements such as weekly rest and annual holidays; payment by the party requesting the work for travel undertaken by the worker in order to carry out the work; or absence of financial risk for the worker.

14. The settlement of disputes concerning the existence and terms of an employment relationship should be a matter for industrial or other tribunals or arbitration authorities to which workers and employers have effective access in accordance with national law and practice.

15. The competent authority should adopt measures with a view to ensuring respect for and implementation of laws and regulations concerning the employment relationship with regard to the various aspects considered in this Recommendation, for example, through labour inspection services and their collaboration with the social security administration and the tax authorities.

16. In regard to the employment relationship, national labour administrations and their associated services should regularly monitor their enforcement programmes and processes. Special attention should be paid to occupations and sectors with a high proportion of women workers.

17. Members should develop, as part of the national policy referred to in this Recommendation, effective measures aimed at removing incentives to disguise an employment relationship.

18. As part of the national policy, Members should promote the role of collective bargaining and social dialogue as a means, among others, of finding solutions to questions related to the scope of the employment relationship at the national level.

III. Monitoring and implementation

19. Members should establish an appropriate mechanism, or make use of an existing one, for monitoring developments in the labour market and the organization of work, and for formulating advice on the adoption and implementation of measures concerning the employment relationship within the framework of the national policy.

20. The most representative organizations of employers and workers should be represented, on an equal footing, in the mechanism for monitoring developments in the labour market and the organization of work. In addition, these organizations should be consulted under the mechanism as often as necessary and, wherever possible and useful, on the basis of expert reports or technical studies.

21. Members should, to the extent possible, collect information and statistical data and undertake research on changes in the patterns and structure of work at the national and sectoral levels, taking into account the distribution of men and women and other relevant factors.

22. Members should establish specific national mechanisms in order to ensure that employment relationships can be effectively identified within the framework of the transnational provision of services. Consideration should be given to developing systematic contact and exchange of information on the subject with other States.

IV. Final paragraph

23. This Recommendation does not revise the Private Employment Agencies Recommendation, 1997 (No. 188), nor can it revise the Private Employment Agencies Convention, 1997 (No. 181).

Unemployment Convention, 1919 (No. 2)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	14 July 1921	Washington, ILC 1st Session (28 Nov 1919)	57 Denounced: 3

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the “question of preventing or providing against unemployment”, which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Unemployment Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

Each Member which ratifies this Convention shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

Article 2

1. Each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

2. Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale.

3. The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

Article 3

The Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

Employment Service Convention, 1948 (No. 88)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	10 Aug 1950	San Francisco, ILC 31st Session (9 July 1948)	89 Denounced: 3

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals concerning the organisation of the employment service, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Employment Service Convention, 1948:

Article 1

1. Each Member of the International Labour Organisation for which this Convention is in force shall maintain or ensure the maintenance of a free public employment service.

2. The essential duty of the employment service shall be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

Article 2

The employment service shall consist of a national system of employment offices under the direction of a national authority.

Article 3

1. The system shall comprise a network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers.

2. The organisation of the network shall:

(a) be reviewed:

(i) whenever significant changes occur in the distribution of economic activity and of the working population, and

(ii) whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation; and

(b) be revised whenever such review shows revision to be necessary.

Article 4

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy.

2. These arrangements shall provide for one or more national advisory committees and where necessary for regional and local committees.

3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with representative organisations of employers and workers, where such organisations exist.

Article 5

The general policy of the employment service in regard to referral of workers to available employment shall be developed after consultation of representatives of employers and workers through the advisory committees provided for in Article 4

Article 6

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall:

- (a) assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall, in accordance with rules framed on a national basis:
 - (i) register applicants for employment, take note of their occupational qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational training or retraining,
 - (ii) obtain from employers precise information on vacancies notified by them to the service and the requirements to be met by the workers whom they are seeking,
 - (iii) refer to available employment applicants with suitable skills and physical capacity,
 - (iv) refer applicants and vacancies from one employment office to another, in cases in which the applicants cannot be suitably placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action;
- (b) take appropriate measures to:
 - (i) facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations,
 - (ii) facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities,
 - (iii) facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers,
 - (iv) facilitate any movement of workers from one country to another which may have been approved by the governments concerned;
- (c) collect and analyse, in co-operation where appropriate with other authorities and with management and trade unions, the fullest available information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned, and the general public;
- (d) co-operate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed; and
- (e) assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

Article 7

Measures shall be taken:

- (a) to facilitate within the various employment offices specialisation by occupations and by industries, such as agriculture and any other branch of activity in which such specialisation may be useful; and
- (b) to meet adequately the needs of particular categories of applicants for employment, such as disabled persons.

Article 8

Special arrangements for juveniles shall be initiated and developed within the framework of the employment and vocational guidance services.

Article 9

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are independent of changes of government and of improper external influences and, subject to the needs of the service, are assured of stability of employment.

2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.

3. The means of ascertaining such qualifications shall be determined by the competent authority.

4. The staff of the employment service shall be adequately trained for the performance of their duties.

Article 10

The employment service and other public authorities where appropriate shall, in co-operation with employers' and workers' organisations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis.

Article 11

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

Article 12

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 14

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Employment Service Recommendation, 1948 (No. 83)

Status	Adoption
Technical instrument with interim status	San Francisco, ILC 31st Session (9 July 1948)

The General Conference of the International Labour Organisation,
 Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and
 Having decided upon the adoption of certain proposals with regard to the organisation of the employment service, which is included in the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Service Recommendation, 1944, and the Employment Service Convention, 1948,

adopts this ninth day of July of the year one thousand nine hundred and forty-eight, the following Recommendation, which may be cited as the Employment Service Recommendation, 1948:

Whereas the Employment Service Recommendation, 1944, and the Employment Service Convention, 1948, provide for the organisation of employment services and it is desirable to supplement the provisions thereof by further recommendations;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. General organisation

1. The free public employment service should comprise a central headquarters, local offices and, where necessary, regional offices.

2. In order to promote development of the employment service, and to secure unified and co-ordinated national administration, provision should be made for:

- (a) the issue by the headquarters of national administrative instructions;
- (b) the formulation of minimum national standards concerning the staffing and material arrangements of the employment offices;
- (c) adequate financing of the service by the government;
- (d) periodical reports from lower to higher administrative levels;
- (e) national inspection of regional and local offices; and
- (f) periodical conferences among central, regional and local officers, including inspection staff.

3. Appropriate arrangements should be made by the employment service for such co-operation as may be necessary with management, workers' representatives, and bodies set up with a view to studying the special employment problems of particular areas, undertakings, industries, or groups of industries.

4. Measures should be taken in appropriate cases to develop, within the general framework of the employment services:

- (a) separate employment offices specialising in meeting the needs of employers and workers belonging to particular industries or occupations such as port transport, merchant marine, building and civil engineering, agriculture and forestry and domestic service, wherever the character or importance of the industry or occupation or other special factors justify the maintenance of such separate offices;
- (b) special arrangements for the placement of:
 - (i) juveniles;
 - (ii) disabled persons; and
 - (iii) technicians, professional workers, salaried employees and executive staff;
- (c) adequate arrangements for the placement of women on the basis of their occupational skill and physical capacity.

II. Employment market information

5. The employment service should collect employment market information, including material pertaining to:

- (a) current and prospective labour requirements (including the number and type of workers needed, classified on an industrial, occupational or area basis);
- (b) current and prospective labour supply (including details of the number, age and sex, skills, occupations, industries and areas of residence of the workers and of the number, location and characteristics of applicants for employment).

6. The employment service should make continuous or special studies on such questions as:

- (a) the causes and incidence of unemployment, including technological unemployment;
- (b) the placement of particular groups of applicants for employment such as the disabled or juveniles;
- (c) factors affecting the level and character of employment;
- (d) the regularisation of employment;
- (e) vocational guidance in relation to placement;
- (f) occupation and job analysis; and
- (g) other aspects of the organisation of the employment market.

7. This information should be collected by suitably trained and qualified staff, in co-operation where necessary with other official bodies and with employers' and workers' organisations.

8. The methods used for the collection and analysis of the information should include, as may be found practicable and appropriate:

- (a) direct enquiries from the bodies with special knowledge of the subjects in question, such as other public bodies, employers' and workers' organisations, public and private undertakings, and joint committees;
- (b) co-operation with labour inspection and unemployment insurance and assistance services;
- (c) periodical reports on questions having a special bearing on the employment market; and
- (d) investigations of particular questions, research projects and analyses carried out by the employment service.

III. Manpower budget

9. In order to facilitate the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources, an annual national manpower budget should be drawn up, as soon as practicable, as part of a general economic survey.

10. The manpower budget should be drawn up by the employment service in co-operation with other public authorities where appropriate.

11. The manpower budget should include detailed material concerning the anticipated volume and distribution of the labour supply and demand.

IV. Referral of workers

12. The employment service should:

- (a) observe strict neutrality in the case of employment available in an establishment where there is a labour dispute affecting such employment;
- (b) not refer workers to employment in respect of which the wages or conditions of work fall below the standard defined by law or prevailing practice;
- (c) not, in referring workers to employment, itself discriminate against applicants on grounds of race, colour, sex or belief.

13. The employment service should be responsible for providing applicants for employment with all relevant information about the jobs to which such applicants are referred, including information on the matters dealt with in the preceding paragraph.

V. Mobility of labour

14. For the purpose of facilitating the mobility of labour necessary to achieve and maintain maximum production and employment, the employment service should take the measures indicated in paragraphs 15 to 20 below.

15. The fullest and most reliable information concerning employment opportunities and working conditions in other occupations and areas and concerning living conditions (including the availability of suitable housing accommodation) in such areas should be collected and disseminated.

16. Workers should be furnished with appropriate information and advice designed to eliminate objections to changing their occupation or residence.

17. (1) The employment service should remove economic obstacles to geographical transfers which it considers necessary by such means as financial assistance.

(2) Such assistance should be granted, in cases authorised by the service, in respect of transfers made through or approved by the service, particularly where no other arrangements exist for the payment other than by the worker of the extra expense involved in the transfers.

(3) The amount of the assistance should be determined according to national and individual circumstances.

18. The employment service should assist the unemployment insurance and assistance authorities in defining and interpreting the conditions in which available employment which is in an occupation other than the usual occupation of an unemployed person or which requires him to change his residence should be regarded as suitable for him.

19. The employment service should assist the competent authorities in establishing and developing the programmes of training or retraining courses (including apprenticeship, supplementary training and upgrading courses), selecting persons for such courses and placing in employment persons who have completed them.

VI. Miscellaneous provisions

20. (1) The employment service should co-operate with other public and private bodies concerned with employment problems.

(2) For this purpose the service should be consulted and its views taken into account by any co-ordinating machinery concerned with the formation and application of policy relating to such questions as:

- (a) the distribution of industry;
- (b) public works and public investment;
- (c) technological progress in relation to production and employment;
- (d) migration;
- (e) housing;
- (f) the provision of social amenities such as health care, schools and recreational facilities; and
- (g) general community organisation and planning affecting the availability of employment.

21. In order to promote use of employment service facilities and enable the service to perform its tasks efficiently, the service should take the measures indicated in paragraphs 22 to 25 below.

22. (1) Continuous efforts should be made to encourage full voluntary use of employment service information and facilities by persons seeking employment or workers.

(2) These efforts should include the use of films, radio and all other methods of public information and relations with a view to making better known and appreciated, particularly among employers and workers and their organisations, the basic work of the service in employment organisation and the advantages accruing to the workers, employers and the nation from the fullest use of the employment service.

23. Workers applying for unemployment benefit or allowances, and so far as possible persons completing courses of vocational training under public or government-subsidised training programmes, should be required to register for employment with the employment service.

24. Special efforts should be made to encourage juveniles, and so far as possible all persons entering employment for the first time, to register for employment and to attend for an employment interview.

25. Employers, including the management of public or semi-public undertakings, should be encouraged to notify the service of vacancies for employment.

26. Systematic efforts should be made to develop the efficiency of the employment service in such manner as to obviate the need for private employment agencies in all occupations except those in which the competent authority considers that for special reasons the existence of private agencies is desirable or essential.

VII. International co-operation among employment services

27. (1) International co-operation among employment services should include, as may be appropriate and practicable, and with the help where desired of the International Labour Office:

- (a) the systematic exchange of information and experience on employment service policy and methods, either on a bilateral, regional or multilateral basis; and
- (b) the organisation of bilateral, regional or multilateral technical conferences on employment service questions.

(2) To facilitate any movements of workers approved in accordance with Article 6 (b) (iv) of the Convention, the employment service, on the request of the national authority directing it and in co-operation where desired with the International Labour Office, should:

- (a) collect in co-operation, as appropriate, with other bodies and organisations, information relating to the applications for work and the vacancies which cannot be filled nationally, in order to promote the immigration or emigration of workers able to satisfy as far as possible such applications and vacancies;
- (b) co-operate with other competent authorities, national or foreign, in preparing and applying inter-governmental bilateral, regional or multilateral agreements relating to migration.

Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	18 July 1951	Geneva, ILC 32nd Session (1 July 1949)	42 Denounced: 18

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention, 1933, adopted by the Conference at its Seventeenth Session, which is included in the tenth item on the agenda of the session, and

Having resolved that these proposals shall take the form of an international Convention, complementary to the Employment Service Convention, 1948, which provides that each Member for which the Convention is in force shall maintain or ensure the maintenance of a free public employment service, and

Considering that such a service should be available to all categories of workers,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Fee-Charging Employment Agencies Convention (Revised), 1949:

Part I. General provisions

Article 1

1. For the purpose of this Convention the expression *fee-charging employment agency* means:

- (a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;
- (b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.

2. This Convention does not apply to the placing of seamen.

Article 2

1. Each Member ratifying this Convention shall indicate in its instrument of ratification whether it accepts the provisions of Part II of the Convention, providing for the progressive abolition of fee-charging employment agencies conducted with a view to profit and the regulation of other agencies, or the provisions of Part III, providing for the regulation of fee-charging employment agencies including agencies conducted with a view to profit.

2. Any Member accepting the provisions of Part III of the Convention may subsequently notify the Director-General that it accepts the provisions of Part II; as from the date of the registration of such notification by the Director-General, the provisions of Part III of the Convention shall cease to be applicable to the Member in question and the provisions of Part II shall apply to it.

Part II. Progressive abolition of fee-charging employment agencies conducted with a view to profit and regulation of other agencies

Article 3

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of Article 1 shall be abolished within a limited period of time determined by the competent authority.

2. Such agencies shall not be abolished until a public employment service is established.

3. The competent authority may prescribe different periods for the abolition of agencies catering for different classes of persons.

Article 4

1. During the period preceding abolition, fee-charging employment agencies conducted with a view to profit:

- (a) shall be subject to the supervision of the competent authority; and

(b) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority.

2. Such supervision shall be directed more particularly towards the elimination of all abuses connected with the operations of fee-charging employment agencies conducted with a view to profit.

3. For this purpose, the competent authority shall consult, by appropriate methods, the employers' and workers' organisations concerned.

Article 5

1. Exceptions to the provisions of paragraph 1 of Article 3 of this Convention shall be allowed by the competent authority in exceptional cases in respect of categories of persons, exactly defined by national laws or regulations, for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service, but only after consultation, by appropriate methods, with the organisations of employers and workers concerned.

2. Every fee-charging employment agency for which an exception is allowed under this Article:

- (a) shall be subject to the supervision of the competent authority;
- (b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority;
- (c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority;
- (d) shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

Article 6

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1:

- (a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority;
- (b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority, with strict regard to the expenses incurred; and
- (c) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 7

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

Article 8

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this Part of the Convention or of any laws or regulations giving effect to them.

Article 9

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 5, including more particularly information concerning

the number of agencies for which such exceptions are allowed and the scope of their activities, the reasons for the exceptions, and the arrangements for supervision by the competent authority of the activities of the agencies concerned.

Part III. Regulation of fee-charging employment agencies

Article 10

Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of Article 1:

- (a) shall be subject to the supervision of the competent authority;
- (b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority;
- (c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority;
- (d) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 11

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1:

- (a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority;
- (b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority with strict regard to the expenses incurred; and
- (c) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 12

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

Article 13

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this Part of the Convention or of any laws or regulations giving effect to them.

Article 14

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the arrangements for supervision by the competent authority of the activities of fee-charging employment agencies including more particularly agencies conducted with a view to profit.

Part IV. Miscellaneous provisions

Article 15

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority

may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)

Status	Adoption
Technical instrument subject to a request for information	Philadelphia, ILC 26th Session (12 May 1944)

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the organisation of employment in the transition from war to peace, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation, which may be cited as the Employment (Transition from War to Peace) Recommendation, 1944:

Whereas the promotion of full employment with a view to satisfying the vital needs of the population and raising the standard of living throughout the world is a primary objective of the International Labour Organisation;

Whereas in order to achieve full employment economic measures providing employment opportunities must be supplemented by effective organisation to help employers to secure the most suitable workers, to help workers to find the most suitable employment, and generally to ensure that, at any given moment, the necessary skills are available and are distributed satisfactorily among the various branches of production and the various areas; and

Whereas the character and magnitude of the employment adjustments required during the transition from war to peace will necessitate special action, more particularly for the purpose of facilitating the re-employment of demobilised members of the armed forces, discharged war workers, and all persons whose usual employment has been interrupted as a result of the war, enemy action, or resistance to the enemy or enemy-dominated authorities, by assisting the persons concerned to find without delay the most suitable employment;

The Conference recommends the Members of the Organisation to apply the following general principles, and in so doing to take into account, according to national conditions, the suggested methods of application, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

General principles

I. Each Government should collect whatever information is necessary regarding workers seeking or likely to be seeking employment and regarding prospective employment opportunities, with a view to ensuring the most rapid reabsorption or redistribution in suitable employment of all persons who desire to work.

II. The demobilisation of the armed forces and of assimilated services and the repatriation of prisoners of war, persons who have been deported, and others, should be planned with the objective of maximum fairness to individuals and maximum opportunities for satisfactory re-establishment in civil life.

III. National programmes for industrial demobilisation and reconversion should be planned, in co-operation with employers' and workers' organisations, and other adequate measures taken, in such manner as to facilitate the most rapid attainment of full employment for the production of needed goods and services.

IV. In the organisation of full employment in the transition period and thereafter, the widest possible use of employment service facilities by employers seeking workers and by workers seeking employment should be encouraged by the competent authorities and by employers' and workers' organisations.

V. Each Government should, to the maximum extent possible, provide public vocational guidance facilities, available to persons seeking work, with a view to assisting them to find the most suitable employment.

VI. Training and retraining programmes should be developed to the fullest possible extent in order to meet the needs of the workers who will have to be re-established in employment or provided with new employment.

VII. With a view to avoiding the need for excessive movements of workers from one area to another and preventing localised unemployment in particular areas, each Government should, in co-operation with employers' and workers' organisations, formulate a positive policy in regard to the location of industry and the diversification of economic activity. Governments should also take steps to facilitate any necessary mobility of labour, both occupational and geographical.

VIII. Efforts should be made during the transition period to provide the widest possible opportunities for acquiring skill for juveniles and young workers who were unable, because of the war, to undertake or to complete their training, and efforts should also be made to improve the education and health supervision of young persons.

IX. The redistribution of women workers in each national economy should be carried out on the principle of complete equality of opportunity for men and women in respect of admission to employment on the basis of their individual merit, skill and experience, and steps should be taken to encourage the establishment of wage rates on the basis of job content, without regard to sex.

X. Disabled workers, whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialised vocational guidance, training and retraining, and employment on useful work.

XI. Measures should be taken to regularise employment within the industries and occupations in which work is irregular, in order to achieve full use of the capacities of the workers.

Methods of application

1. Advance collection of information

1. Each Government should arrange for the co-ordinated collection and utilisation of as complete and up-to-date information as possible on:

- (a) the number, educational and occupational backgrounds, past and present skills, and occupational wishes of members of the armed forces and of assimilated services, and as far as possible of all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities;
- (b) the number, location, industrial distribution, sex distribution, skills and occupational wishes of workers who will have to change their employment during the transition from war to peace; and

(c) the number and distribution of older workers, women and juveniles who are likely to withdraw from gainful employment after the war emergency and the number of juveniles who are likely to be seeking employment on leaving school.

2. (1) Comprehensive material on prospective labour requirements, showing the probable extent and timing of the demand for workers from each major industry, both in total and by major skills, should be collected and analysed before the end of the war.

(2) Where such information is in the possession of any administrative authority, it should be made available to the authorities primarily responsible for the collection or utilisation of advance information on labour supply and requirements.

(3) The material on labour requirements should cover more particularly:

- (a) the probable contraction of labour requirements resulting from the closing of certain munitions undertakings;
- (b) the probable rate of contraction of the armed forces and of assimilated services upon the termination of hostilities;
- (c) probable fluctuations and changes by areas in the labour force of industries or undertakings which will, with or without a period of conversion, continue in operation to meet peacetime needs;
- (d) probable labour requirements in industries which will be expanding to meet peacetime needs, in particular in industries the output of which is most urgently needed to improve the standard of living of the workers, and in public works, including works of a normal character and works held in reserve for the provision of supplementary employment in periods of declining economic activity; and
- (e) the probable demand for workers in the main industries and occupations under conditions of full employment.

3. Prospective labour supply and demand in the various areas should be kept under constant review by the appropriate authorities, in order to show the effect of the war and the probable effect of the termination of hostilities on the employment situation in each of these areas.

4. Members should co-operate in collecting the information referred to in subparagraphs (a), (b) and (c) of Paragraph 1 in respect of persons transferred out of their own countries as a result of Axis aggression. Each Government should supply such information in respect of nationals of other Members living in its territory, in Axis territories, or in territory occupied by the Axis, who are awaiting repatriation, even where the information available is merely of a general character.

II. Demobilisation of the armed forces

5. Close contact should be organised and maintained between the employment service and the authorities responsible for the demobilisation of the armed forces and assimilated services and for the repatriation of prisoners of war and persons who have been deported, in order to ensure the speediest re-employment of the men and women concerned.

6. (1) The rate and order of demobilisation should be controlled according to clearly expressed principles which should be given wide publicity in order that they may be clearly understood.

(2) In the process of demobilisation, which should in general be as rapid as military necessity and transportation facilities permit, consideration should be given to:

- (a) the desirability of regulating the rate and distributing the flow of demobilisation so as to avoid local concentrations of ex-service men and women disproportionate to the capacity of their community to provide opportunity for employment or training; and
- (b) the desirability of arranging, where necessary, for an early release of workers whose qualifications make them indispensable for urgent reconstruction work.

7. (1) Schemes for reinstating in their former employment persons whose usual employment has been interrupted by military mobilisation, enemy action, or resistance to the enemy or enemy-dominated authorities, should be adopted and carried out so far as changed post-war circumstances allow.

(2) The fullest possible employment and advancement opportunities for these men and women, on the basis of their qualifications, should be assured through Government action and collective agreements.

(3) Immediate alternative employment should be secured for the workers displaced by the operation of these schemes.

8. In addition to schemes for re-employment, immediate consideration should be given to the provision, wherever justified by prospective opportunities to make a living, of adequate financial and other assistance to enable qualified demobilised persons to settle or resettle on the land, to enter or re-enter a profession, or to take up other independent work.

III. Industrial demobilisation and conversion

9. (1) Each Government should, in co-operation with employers' and workers' organisations, formulate a national industrial demobilisation and reconversion programme to facilitate the rapid and orderly conversion of the economy from wartime to peacetime requirements during the period of reconstruction, account being taken of the urgent need of countries devastated by the war, with a view to attaining full employment with the least possible delay. All information in regard to the demobilisation and reconversion programme should be made available to the authorities responsible for collecting advance information on labour supply and requirements.

(2) The co-operation of employers' and workers' organisations should be invited with a view to working out comprehensive industry and area demobilisation and reconversion programmes to facilitate the change-over from war to peace production in a manner that will minimise transitional unemployment.

10. (1) Each Government should, so far as possible before the end of the war, determine its policy in regard to the peacetime use of Government-owned war production capacity and equipment and in regard to the disposition of surplus materials.

(2) Special consideration should be given to the early release of factories and equipment urgently needed for peacetime production or training.

(3) In general, factories, equipment or materials should not be destroyed or kept out of use where human needs are unsatisfied or where no excess production would exist at reasonable prices under conditions of demand associated with full employment.

11. Each Government should, in formulating its policy and procedure for the termination or adjustment of war contracts, give special consideration to the possibilities of continued employment or rapid re-employment of the workers affected or of favourable opportunities for employment in other areas. Governments should also arrange for the prompt settlement of claims under terminated contracts, so that employment will not be held back by needless financial difficulties of contractors. Contractors in countries at present occupied who have worked voluntarily in the interest of the enemy should not be granted the benefit of such arrangements.

12. (1) Arrangements should be made to ensure that administrative authorities give information at the earliest possible moment to the employment service and contractors regarding any circumstances likely to cause dismissals or lay-offs.

(2) Procurement agencies should give contractors both at home and abroad and the employment service as long advance notice as possible of cut-backs in war orders. In no case should the notice given be less than two weeks.

(3) Employers should give the employment service at least two weeks' advance notice of proposed dismissals affecting more than a specified number of workers, in order to enable the employment service to make plans for alternative employment for the workers concerned.

(4) Employers should give the employment service at least two weeks' advance notice of proposed temporary lay-offs affecting more than a specified number of workers, together with information to show the probable duration of such lay-offs, in order to enable the employment service to find temporary public or private employment or training for the laid-off workers. Employers should so far as possible inform the laid-off workers of the expected duration of such lay-offs.

IV. Applications for work and for workers

13. (1) Vacancies on public works and in undertakings working on public orders to the extent of 75 per cent. or more of their operations should be filled through the employment service.

(2) Consideration should be given to the advisability of requiring employers in specified industries or areas to engage their workers through the employment service in order to facilitate the readjustment of employment.

(3) Employers should be encouraged to give advance notice of their labour requirements to the employment service.

14. Persons applying for employment on Government-sponsored projects, as well as persons applying for publicly supported training programmes or transfer assistance, or claiming unemployment benefit or allowance, should be required to register with the employment service.

15. Special efforts should be made to assist demobilised members of the forces and war workers to find the most suitable work of which they are capable, making use wherever possible of the skills acquired by them during the war.

16. Every effort should be made by the authorities, and in particular by the employment service, in co-operation with employers' and workers' organisations, to encourage as wide a use as possible of the employment service by employers and workers.

V. Vocational guidance

17. Special and immediate attention should be given to the development of suitable methods and techniques of vocational guidance for adult workers.

18. In cases of prolonged unemployment, the use of vocational guidance facilities should be made a condition for the continued receipt of unemployment benefit or allowance.

19. The competent authorities should, in co-operation with the private bodies concerned, develop and maintain adequate training facilities for vocational guidance officers.

VI. Training and retraining programmes

20. On the basis of information concerning labour supply and demand in the post-war period, each Government should, in close co-operation with employers' and workers' organisations, formulate a national training and retraining programme, geared to the post-war needs of the economy and taking into account changes in the different skill requirements of each industry.

21. Every possible step should be taken to facilitate the occupational mobility necessary to adjust the supply of workers to present and prospective labour requirements.

22. Training and retraining programmes should be extended and adapted to meet the needs of demobilised persons, discharged war workers, and all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities. Special emphasis should be placed on courses of training designed to fit the persons concerned for employment which offers a permanent career.

23. In addition to apprenticeship schemes, systematic methods of training, retraining and upgrading workers should be developed to meet post-war needs for the reconstitution and expansion of the skilled labour force.

24. Persons undertaking training should be paid, where necessary, remuneration or allowances which provide an inducement to undergo and continue training and are sufficient to maintain a reasonable standard of life.

25. Men and women whose higher training and education have been prevented or interrupted by war service, whether in a military or civilian capacity, or by enemy action, or by resistance to the enemy or enemy-dominated authorities, should be enabled to enter upon or resume and complete their training and education, subject to continued proof of merit and promise, and should be paid allowances during their training and education.

26. (1) Qualified vocational teachers and instructors who have been engaged in other work during the war should be encouraged to resume their previous occupation at the earliest possible moment.

(2) Refresher courses should be organised in case of need:

- (a) for vocational instructors returning to their work after a lengthy absence; and
- (b) for teaching new methods and techniques.

(3) Additional vocational teachers and instructors should be trained in the numbers required to meet the needs of the training and retraining programme.

(4) Members should co-operate, where necessary, in reconstituting and expanding vocational training and retraining by such methods as:

- (a) the provision in one country of training as instructors for persons from another country to enable them to acquire broader skill or training not available in their own country;
- (b) the loan of experienced vocational instructors and teachers from one country to help meet shortages of vocational training staff or new industrial needs in another country;
- (c) facilitating the return to the territories of member countries of subjects thereof living in the territory of another member country who are qualified for teaching and instructing in their home country; and
- (d) the provision of training handbooks and other equipment to assist instructors and persons in training.

27. Training and retraining services should be co-ordinated on a national, regional and local basis, and should be closely associated at all levels of operation with guidance work, with the placement work of the employment service, and with the training activities of employers' and workers' organisations.

VII. Geographical mobility

28. With a view to facilitating the necessary mobility of labour, the employment service should take action to overcome the obstacles to transfers from one area to another and to assist the movement of workers to areas needing labour, thereby helping to bring together available skills and available employment opportunities and thus preventing unemployment.

29. (1) Where a worker is transferred from one area to another on the initiative or with the consent of the employment service, arrangements should be made to grant travelling expenses and to assist the worker to meet initial expenses in the new place of work by granting or advancing him a specified amount, fixed according to the circumstances.

(2) Where a temporary transfer made through the employment service involves the separation of the head of the household from his family, arrangements should be made to grant an appropriate separation allowance to cover the added costs of maintaining double living quarters.

VIII. Employment of young workers

30. (1) The policy of revising upward the school-leaving age and the age for admission to employment should be considered by all countries as a primary factor in planning employment policy for the transition period.

(2) Maintenance allowances should be granted to parents by the competent authorities during the additional period of compulsory education referred to above.

31. Student-aid programmes should be developed to enable young persons above the school-leaving age to continue their education in secondary schools or high schools, and for those beyond the secondary school level, subject to continued proof of merit, in technical or higher education schools or courses on a full-time basis.

32. (1) Vocational guidance services adapted to their needs should be available for all young persons, both prior to and at the time of leaving school, through the school or the employment service.

(2) Free pre-employment medical examination should be provided for all young persons. The results of this examination should be incorporated in a certificate to serve as a basis for periodical re-examinations during a period to be prescribed by national laws or regulations.

(3) In countries in which war conditions and enemy occupation have undermined the health of young persons, particular attention should be given to the health supervision of such persons from the time of their admission to employment through the period of adjustment to working life, and, where necessary, measures of physical rehabilitation should be adopted.

(4) Members should co-operate, when requested, in providing for the training of medical and nursing staff, and the loan of experienced doctors, surgeons, nursing personnel and appropriate equipment, in order to facilitate the physical rehabilitation of the young persons referred to in subparagraph (3) above.

33. (1) Young persons whose contracts of apprenticeship have been interrupted owing to the war should be entitled to resume apprenticeship on the termination of their war service.

(2) State aid should be made available to enable a person whose apprenticeship has been resumed in accordance with subparagraph (1) above to be assured of an income which is reasonable, having regard to his age and to the remuneration he would have been receiving had his apprenticeship not been interrupted.

(3) In all cases in which military service, raw material shortages, enemy action, or other war circumstances have prevented young persons from entering or continuing apprenticeship, arrangements should be made to encourage them, as soon as circumstances permit, to resume their apprenticeship or to learn a skilled trade.

(4) With a view to encouraging the resumption of interrupted apprenticeships, arrangements should be made to review the provisions of apprenticeship contracts and to vary them where this seems equitable to take account of training, skill or experience acquired during war service.

(5) Existing apprenticeship programmes should be re-examined, in co-operation with employers' and workers' organisations, with a view to giving wider opportunities to learn a skilled trade to the younger workers who have not been able, owing to the war, to enter apprenticeship. More particularly, consideration should be given to making arrangements for varying existing restrictions on admission to apprenticeship and for taking into account any training, skill or experience acquired during the war.

34. Employers should be encouraged to introduce programmes of systematic in-plant training to enable all the young workers employed in the undertaking to acquire training or to improve their skill and broaden their knowledge of the operations of the undertaking as a whole. Such programmes should be developed in co-operation with workers' organisations and should be adequately supervised.

35. In countries which have been invaded during the war, and in which there are young persons who have been compelled to abstain from work, or, without regard to their aptitudes or desires, to work for the enemy, special attention should be devoted to the readjustment of such young persons to work habits and to supplementing their vocational training.

IX. Employment of women

36. The redistribution of women workers in the economy should be organised on the principle of complete equality of opportunity for men and women on the basis of their individual merit, skill and experience, without prejudice to the provisions of the international labour Conventions and Recommendations concerning the employment of women.

37. (1) In order to place women on a basis of equality with men in the employment market, and thus to prevent competition among the available workers prejudicial to the interests of both men and women workers, steps should be taken to encourage the establishment of wage rates based on job content, without regard to sex.

(2) Investigations should be conducted, in co-operation with employers' and workers' organisations, for the purpose of establishing precise and objective standards for determining job content, irrespective of the sex of the worker, as a basis for determining wage rates.

38. The employment of women in industries and occupations in which large numbers of women have traditionally been employed should be facilitated by action to raise the relative status of these industries and occupations and to improve conditions of work and methods of placement therein.

X. Employment of disabled workers

39. The criterion for the training and employment of disabled workers should be the employability of the worker, whatever the origin of the disability.

40. There should be the closest collaboration between medical services for the disabled and vocational rehabilitation and placement services.

41. Specialised vocational guidance for the disabled should be developed in order to make it possible to assess each disabled worker's capacity and to select the most appropriate form of employment for him.

42. (1) Wherever possible, disabled workers should receive training in company with able-bodied workers, under the same conditions and with the same pay.

(2) Training should be continued to the point where the disabled person is able to enter employment as an efficient worker in the trade or occupation for which he has been trained.

(3) Wherever practicable, efforts should be made to retrain disabled workers in their former occupations or in related occupations where their previous qualifications would be useful.

(4) Employers with suitable training facilities should be induced to train a reasonable proportion of disabled workers.

(5) Specialised training centres, with appropriate medical supervision, should be provided for those disabled persons who require such special training.

43. (1) Special measures should be taken to ensure equality of employment opportunity for disabled workers on the basis of their working capacity. Employers should be induced by wide publicity and other means, and where necessary compelled, to employ a reasonable quota of disabled workers.

(2) In certain occupations particularly suitable for the employment of seriously disabled workers, such workers should be given preference over all other workers.

(3) Efforts should be made, in close co-operation with employers' and workers' organisations, to overcome employment discriminations against disabled workers which are not related to their ability and job performance, and to overcome the obstacles to their employment, including the possibility of increased liability in respect of workmen's compensation.

(4) Employment on useful work in special centres under non-competitive conditions should be made available for all disabled workers who cannot be made fit for normal employment.

44. Information should be assembled by the employment service in regard to the occupations particularly suited to different disabilities and the size, location and employability of the disabled population.

XI. Regularisation of employment in particular industries

45. In industries in which operations are irregular, such as construction and port transport, the schemes for the regularisation of employment adopted or extended during the war by Member States should be maintained and adapted to peacetime conditions in consultation with the employers' and workers' organisations concerned.

Vocational guidance and training*

Paid Educational Leave Convention, 1974 (No. 140)	259
Human Resources Development Convention, 1975 (No. 142)	261
Human Resources Development Recommendation, 2004 (No. 195)	263
Special Youth Schemes Recommendation, 1970 (No. 136)	269
Paid Educational Leave Recommendation, 1974 (No. 148)	275

* 1) Withdrawn recommendations: Vocational Education (Agriculture) Recommendation, 1921 (No. 15); Vocational Education (Building) Recommendation, 1937 (No. 56). 2) Replaced recommendations: Vocational Training Recommendation, 1939 (No. 57); Apprenticeship Recommendation, 1939 (No. 60); Vocational Guidance Recommendation, 1949 (No. 87); Vocational Training (Adults) Recommendation, 1950 (No. 88); Vocational Training (Agriculture) Recommendation, 1956 (No. 101); Vocational Training Recommendation, 1962 (No. 117); Human Resources Development Recommendation, 1975 (No. 150).

Paid Educational Leave Convention, 1974 (No. 140)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	23 Sep 1976	Geneva, ILC 59th Session (24 June 1974)	35

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and

Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

Having decided upon the adoption of certain proposals with regard to paid educational leave, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Convention, which may be cited as the Paid Educational Leave Convention, 1974:

Article 1

In this Convention, the term *paid educational leave* means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

Article 2

Each Member shall formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of:

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

Article 3

That policy shall be designed to contribute, on differing terms as necessary:

- (a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;
- (b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;
- (c) to the human, social and cultural advancement of workers; and
- (d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

Article 4

The policy shall take account of the stage of development and the particular needs of the country and of different sectors of activity, and shall be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

Article 5

The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

Article 6

The public authorities, employers' and workers' organisations, and institutions or bodies providing education and training shall be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

Article 7

The financing of arrangements for paid educational leave shall be on a regular and adequate basis and in accordance with national practice.

Article 8

Paid educational leave shall not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

Article 9

As necessary, special provisions concerning paid educational leave shall be established:

- (a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;
- (b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that workers in these undertakings would not be excluded from the benefit of paid educational leave.

Article 10

Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for:

- (a) training at any level;
- (b) general, social or civic education; or
- (c) trade union education.

Article 11

A period of paid educational leave shall be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice.

Human Resources Development Convention, 1975 (No. 142)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	19 July 1977	Geneva, ILC 60th Session (23 June 1975)	68

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1970, and

Having decided upon the adoption of certain proposals with regard to human resources development: vocational guidance and vocational training, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Human Resources Development Convention, 1975:

Article 1

1. Each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.

2. These policies and programmes shall take due account of:

- (a) employment needs, opportunities and problems, both regional and national;
- (b) the stage and level of economic, social and cultural development; and
- (c) the mutual relationships between human resources development and other economic, social and cultural objectives.

3. The policies and programmes shall be pursued by methods that are appropriate to national conditions.

4. The policies and programmes shall be designed to improve the ability of the individual to understand and, individually or collectively, to influence the working and social environment.

5. The policies and programmes shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society.

Article 2

With the above ends in view, each Member shall establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.

Article 3

1. Each Member shall gradually extend its systems of vocational guidance, including continuing employment information, with a view to ensuring that comprehensive information and the broadest possible guidance are available to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons.

2. Such information and guidance shall cover the choice of an occupation, vocational training and related educational opportunities, the employment situation and employment prospects, promotion prospects, conditions of work, safety and hygiene at work, and other aspects of working life in the various sectors of economic, social and cultural activity and at all levels of responsibility.

3. The information and guidance shall be supplemented by information on general aspects of collective agreements and of the rights and obligations of all concerned under labour law; this information shall be provided in accordance with national law and practice, taking into account the respective functions and tasks of the workers' and employers' organisations concerned.

Article 4

Each Member shall gradually extend, adapt and harmonise its vocational training systems to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.

Article 5

Policies and programmes of vocational guidance and vocational training shall be formulated and implemented in co-operation with employers' and workers' organisations and, as appropriate and in accordance with national law and practice, with other interested bodies.

Human Resources Development Recommendation, 2004 (No. 195)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 92nd Session (17 June 2004)

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Recognizing that education, training and lifelong learning contribute significantly to promoting the interests of individuals, enterprises, the economy and society as a whole, especially considering the critical challenge of attaining full employment, poverty eradication, social inclusion and sustained economic growth in the global economy, and

Calling on governments, employers and workers to renew their commitment to lifelong learning; governments by investing and creating the conditions to enhance education and training at all levels; enterprises by training their employees; and individuals by making use of the education, training and lifelong learning opportunities, and

Recognizing that education, training and lifelong learning are fundamental and should form an integral part of, and be consistent with, comprehensive economic, fiscal, social and labour market policies and programmes that are important for sustainable economic growth and employment creation and social development, and

Recognizing that many developing countries need support in the design, funding and implementation of appropriate education and training policies to attain human development, economic and employment growth, and poverty eradication, and

Recognizing that education, training and lifelong learning are contributing factors to personal development, access to culture and active citizenship, and Recalling that the realization of decent work for workers everywhere is a primary objective of the International Labour Organization, and Noting the rights and principles embodied in the relevant instruments of the International Labour Organization, and in particular:

- (a) the Human Resources Development Convention, 1975; the Employment Policy Convention and Recommendation, 1964; the Employment Policy (Supplementary Provisions) Recommendation, 1984; and the Paid Educational Leave Convention and Recommendation, 1974;
- (b) the ILO Declaration on Fundamental Principles and Rights at Work;
- (c) the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
- (d) the conclusions concerning human resources training and development, adopted at the 88th Session (2000) of the International Labour Conference, and Having decided upon the adoption of certain proposals with regard to human resources development and training, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this seventeenth day of June of the year two thousand and four the following Recommendation, which may be cited as the Human Resources Development Recommendation, 2004.

I. Objective, scope and definitions

1. Members should, based on social dialogue, formulate, apply and review national human resources development, education, training and lifelong learning policies which are consistent with economic, fiscal and social policies.

2. For the purpose of this Recommendation:

- (a) the term *lifelong learning* encompasses all learning activities undertaken throughout life for the development of competencies and qualifications;

- (b) the term *competencies* covers the knowledge, skills and know-how applied and mastered in a specific context;
- (c) the term *qualifications* means a formal expression of the vocational or professional abilities of a worker which is recognized at international, national or sectoral levels;
- (d) the term *employability* relates to portable competencies and qualifications that enhance an individual's capacity to make use of the education and training opportunities available in order to secure and retain decent work, to progress within the enterprise and between jobs, and to cope with changing technology and labour market conditions.

3. Members should identify human resources development, education, training and lifelong learning policies which:

- (a) facilitate lifelong learning and employability as part of a range of policy measures designed to create decent jobs, as well as to achieve sustainable economic and social development;
- (b) give equal consideration to economic and social objectives, emphasize sustainable economic development in the context of the globalizing economy and the knowledge- and skills-based society, as well as the development of competencies, promotion of decent work, job retention, social development, social inclusion and poverty reduction;
- (c) stress the importance of innovation, competitiveness, productivity, growth of the economy, the creation of decent jobs and the employability of people, considering that innovation creates new employment opportunities and also requires new approaches to education and training to meet the demand for new skills;
- (d) address the challenge of transforming activities in the informal economy into decent work fully integrated into mainstream economic life; policies and programmes should be developed with the aim of creating decent jobs and opportunities for education and training, as well as validating prior learning and skills gained to assist workers and employers to move into the formal economy;
- (e) promote and sustain public and private investment in the infrastructure needed for the use of information and communication technology in education and training, as well as in the training of teachers and trainers, using local, national and international collaborative networks;
- (f) reduce inequality in the participation in education and training.

4. Members should:

- (a) recognize that education and training are a right for all and, in cooperation with the social partners, work towards ensuring access for all to lifelong learning;
- (b) recognize that the realization of lifelong learning should be based on the explicit commitment: by governments by investing and creating the conditions to enhance education and training at all levels; by enterprises in training their employees; and by individuals in developing their competencies and careers.

II. Development and implementation of education and training policies

5. Members should:

- (a) define, with the involvement of the social partners, a national strategy for education and training, as well as establish a guiding framework for training policies at national, regional, local, and sectoral and enterprise levels;
- (b) develop supportive social and other policies, and create an economic environment and incentives, to encourage enterprises to invest in education and training, individuals to develop their competencies and careers, and to enable and motivate all to participate in education and training programmes;
- (c) facilitate the development of an education and training delivery system consistent with national conditions and practices;
- (d) assume the primary responsibility for investing in quality education and pre-employment training, recognizing that qualified teachers and trainers working under decent conditions, are of fundamental importance;

- (e) develop a national qualifications framework to facilitate lifelong learning, assist enterprises and employment agencies to match skill demand with supply, guide individuals in their choice of training and career and facilitate the recognition of prior learning and previously acquired skills, competencies and experience; this framework should be responsive to changing technology and trends in the labour market and recognize regional and local differences, without losing transparency at the national level;
- (f) strengthen social dialogue and collective bargaining on training at international, national, regional, local, and sectoral and enterprise levels as a basic principle for systems development, programme relevance, quality and cost-effectiveness;
- (g) promote equal opportunities for women and men in education, training and lifelong learning;
- (h) promote access to education, training and lifelong learning for people with nationally identified special needs, such as youth, low-skilled people, people with disabilities, migrants, older workers, indigenous people, ethnic minority groups and the socially excluded; and for workers in small and medium-sized enterprises, in the informal economy, in the rural sector and in self-employment;
- (i) provide support to the social partners to enable them to participate in social dialogue on training;
- (j) support and assist individuals through education, training and lifelong learning, and other policies and programmes, to develop and apply entrepreneurial skills to create decent work for themselves and others.

6. (1) Members should establish, maintain and improve a coordinated education and training system within the concept of lifelong learning, taking into account the primary responsibility of government for education and pre-employment training and for training the unemployed, as well as recognizing the role of the social partners in further training, in particular the vital role of employers in providing work experience opportunities.

(2) Education and pre-employment training include compulsory basic education incorporating basic knowledge, literacy and numeracy skills and the appropriate use of information and communication technology.

7. Members should consider benchmarks in relation to comparable countries, regions and sectors when making decisions about investment in education and training.

III. Education and pre-employment training

8. Members should:

- (a) recognize their responsibility for education and pre-employment training and, in cooperation with the social partners, improve access for all to enhance employability and to facilitate social inclusion;
- (b) develop approaches for non-formal education and training, especially for adults who were denied education and training opportunities when young;
- (c) encourage the use of new information and communication technology in learning and training, to the extent possible;
- (d) ensure provision of vocational, labour market and career information and guidance and employment counselling, supplemented by information on the rights and obligations of all concerned under labour-related laws and other forms of labour regulation;
- (e) ensure that education and pre-employment training programmes are relevant and that their quality is maintained;
- (f) ensure that vocational education and training systems are developed and strengthened to provide appropriate opportunities for the development and certification of skills relevant to the labour market.

IV. Development of competencies

9. Members should:

- (a) promote, with the involvement of the social partners, the ongoing identification of trends in the competencies needed by individuals, enterprises, the economy and society as a whole;
- (b) recognize the role of the social partners, enterprises and workers in training;
- (c) support initiatives by the social partners in the field of training in bipartite dialogue, including collective bargaining;
- (d) provide positive measures to stimulate investment and participation in training;
- (e) recognize workplace learning, including formal and non-formal learning, and work experience;
- (f) promote the expansion of workplace learning and training through:
 - (i) the utilization of high-performance work practices that improve skills;
 - (ii) the organization of on- and off-the-job training with public and private training providers, and making greater use of information and communication technology; and
 - (iii) the use of new forms of learning together with appropriate social policies and measures to facilitate participation in training;
- (g) urge private and public employers to adopt best practices in human resources development;
- (h) develop equal opportunity strategies, measures and programmes to promote and implement training for women, as well as for specific groups and economic sectors, and for people with special needs, with the objective of reducing inequalities;
- (i) promote equal opportunities for, and access to, career guidance and skill upgrading for all workers, as well as support for retraining employees whose jobs are at risk;
- (j) call upon multinational enterprises to provide training for all levels of their employees in home and host countries, to meet the needs of the enterprises and contribute to the development of the country;
- (k) promote the development of equitable training policies and opportunities for all public sector employees, recognizing the role of the social partners in this sector;
- (l) promote supportive policies to enable individuals to balance their work, family and lifelong learning interests.

V. Training for decent work and social inclusion

10. Members should recognize:

- (a) the primary responsibility of government for the training of the unemployed, those seeking to enter or re-enter the labour market and people with special needs, to develop and enhance their employability to secure decent work, in the private and public sectors, through such measures as incentives and assistance;
- (b) the role of the social partners to support, through human resources development policies and other measures, the integration of the unemployed and people with special needs in jobs;
- (c) the role of local authorities and communities and other interested parties in implementing programmes for people with special needs.

VI. Framework for recognition and certification of skills

11. (1) Measures should be adopted, in consultation with the social partners and using a national qualifications framework, to promote the development, implementation and financing of a transparent mechanism for the assessment, certification and recognition of skills, including prior learning and previous experience, irrespective of the countries where they were acquired and whether acquired formally or informally.

(2) Such an assessment methodology should be objective, non-discriminatory and linked to standards.

(3) The national framework should include a credible system of certification which will ensure that skills are portable and recognized across sectors, industries, enterprises and educational institutions.

12. Special provisions should be designed to ensure recognition and certification of skills and qualifications for migrant workers.

VII. Training providers

13. Members should, in cooperation with the social partners, promote diversity of training provision to meet the different needs of individuals and enterprises and to ensure high- quality standards, recognition and portability of competencies and qualifications within a national quality assurance framework.

14. Members should:

- (a) develop a framework for the certification of qualifications of training providers;
- (b) identify the roles of government and the social partners in promoting the expansion and diversification of training;
- (c) include quality assurance in the public system and promote its development within the private training market and evaluate the outcomes of education and training;
- (d) develop quality standards for trainers and create the opportunities for trainers to meet such standards.

VIII. Career guidance and training support services

15. Members should:

- (a) assure and facilitate, throughout an individual's life, participation in, and access to, vocational and career information and guidance, job placement services and job search techniques and training support services;
- (b) promote and facilitate the use of information and communication technology, as well as traditional best practices in career information and guidance and training support services;
- (c) identify, in consultation with the social partners, roles and responsibilities of employment services, training providers and other relevant service providers with respect to vocational and career information and guidance;
- (d) provide information and guidance on entrepreneurship, promote entrepreneurial skills, and raise awareness among educators and trainers of the important role of enterprises, among others, in creating growth and decent jobs.

IX. Research in human resources development, education, training and lifelong learning

16. Members should evaluate the impact of their education, training and lifelong learning policies on the progress made towards achieving broader human development goals, such as the creation of decent jobs and poverty eradication.

17. Members should develop their national capacity, as well as facilitate and assist in developing that of the social partners, to analyse trends in labour markets and human resources development and training.

18. Members should:

- (a) collect information, disaggregated by gender, age, and other specific socio-economic characteristics, on educational levels, qualifications, training activities, and employment and incomes, especially when organizing regular surveys of the population, so that trends can be established and comparative analysis undertaken to guide policy development;
- (b) establish databases and quantitative and qualitative indicators, disaggregated by gender, age and other characteristics, on the national training system and gather data on training in the private sector, taking into account the impact of data collection on enterprises;
- (c) collect information on competencies and emerging trends in the labour market from a variety of sources, including longitudinal studies, and not confined to traditional occupational classifications.

19. Members should, in consultation with the social partners, and taking into account the impact of data collection on enterprises, support and facilitate research on human resources development and training, which could include:

- (a) learning and training methodologies, including the use of information and communication technology in training;

- (b) skills recognition and qualifications frameworks;
- (c) policies, strategies and frameworks for human resources development and training;
- (d) investment in training, as well as the effectiveness and impact of training;
- (e) identifying, measuring and forecasting the trends in supply and demand for competencies and qualifications in the labour market;
- (f) identifying and overcoming barriers to accessing training and education;
- (g) identifying and overcoming gender bias in the assessment of competencies;
- (h) preparing, publishing and disseminating reports and documentation on policies, surveys and available data.

20. Members should use the information obtained through research to guide planning, implementation and evaluation of programmes.

X. International and technical cooperation

21. International and technical cooperation in human resources development, education, training and lifelong learning should:

- (a) develop mechanisms that mitigate the adverse impact on developing countries of the loss of skilled people through migration, including strategies to strengthen the human resources development systems in the countries of origin, recognizing that creating enabling conditions for economic growth, investment, creation of decent jobs and human development will have a positive effect on retaining skilled labour;
- (b) promote greater opportunities for women and men to obtain decent work;
- (c) promote national capacity building to reform and develop training policies and programmes, including developing the capacity for social dialogue and partnership building in training;
- (d) promote the development of entrepreneurship and decent employment and share experiences on international best practices;
- (e) strengthen the capacity of the social partners to contribute to dynamic lifelong learning policies, in particular in relation to the new dimensions of regional economic integration, migration and the emerging multicultural society;
- (f) promote recognition and portability of skills, competencies and qualifications nationally and internationally;
- (g) increase technical and financial assistance for developing countries and promote, at the level of the international financial institutions and funding agencies, coherent policies and programmes which place education, training and lifelong learning at the centre of development policies;
- (h) taking into account the specific problems of the indebted developing countries, explore and apply innovative approaches to provide additional resources for human resources development;
- (i) promote cooperation between and among governments, the social partners, the private sector and international organizations on all other issues and strategies encompassed in this instrument.

XI. Final provision

22. The present Recommendation revises and replaces the Human Resources Development Recommendation, 1975.

Special Youth Schemes Recommendation, 1970 (No. 136)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 54th Session (23 June 1970)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fourth Session on 3 June 1970, and

Recalling the provisions of existing international labour Conventions and Recommendations on the training and employment of young persons, in particular the Unemployment (Young Persons) Recommendation, 1935, the Vocational Training Recommendation, 1962, and the Employment Policy Convention and Recommendation, 1964, and

Considering that special youth employment schemes and training schemes designed to give young persons the necessary skills to enable them to adapt to the pace of a changing society and to take an active part in the development of their country constitute an approach to youth employment problems, supplementary to those of existing instruments, and

Noting that the problems which this approach is intended to meet have only come into prominence on a wide scale in recent years, and

Considering that it is important to adopt an instrument setting out the objectives, methods and safeguards of such special schemes, in such manner that they would be fully consistent with earlier international labour standards relevant to conditions of service therein, particularly those of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, and

Having decided upon the adoption of certain proposals with regard to special youth employment and training schemes for development purposes, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy, the following Recommendation, which may be cited as the Special Youth Schemes Recommendation, 1970.

I. Nature of special schemes

1. (1) This Recommendation applies to special schemes designed to enable young persons to take part in activities directed to the economic and social development of their country and to acquire education, skills and experience facilitating their subsequent economic activity on a lasting basis and promoting their participation in society.

(2) These schemes are hereinafter referred to as special schemes.

2. The following may be regarded as special schemes for the purpose of this Recommendation:

- (a) schemes which meet needs for youth employment and training not yet met by existing national educational or vocational training programmes or by normal opportunities on the employment market;
- (b) schemes which enable young persons, especially unemployed young persons, who have educational or technical qualifications which are needed by the community for development, particularly in the economic, social, educational or health fields, to use their qualifications in the service of the community.

II. General principles

3. (1) Special schemes should be organised within the framework of national development plans where these exist and should, in particular, be fully integrated with human resources plans and programmes directed towards the achievement of full and productive employment as well as with regular programmes for the education and training of young people.

(2) Special schemes should have an interim character to meet current and pressing economic and social needs. They should not duplicate or prejudice other measures of economic policy or the development of regular educational or vocational training programmes nor be regarded as an alternative to these measures and these regular programmes.

(3) Special schemes should not be operated in a manner likely to lower labour standards nor should the services of participants therein be used for the advantage of private persons or undertakings.

(4) Special schemes should provide participants, where appropriate, with at least a minimum level of education.

4. The essential elements of every special scheme should include the safeguarding of human dignity and the development of the personality and of a sense of individual and social responsibility.

5. Special schemes should be administered without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin; they should be used for the active promotion of equality of opportunity and treatment.

6. The purposes and objectives of each special scheme and the categories of participants should be clearly defined by the competent authority and should be subject to periodic review in the light of experience.

7. (1) Participation in special schemes should be voluntary; exceptions may be permitted only by legislative action and where there is full compliance with the terms of existing international labour Conventions on forced labour and employment policy.

(2) Schemes in respect of which exceptions may be so permitted may include:

- (a) schemes of education and training involving obligatory enrolment of unemployed young people within a definite period after the age limit of regular school attendance;
- (b) schemes for young people who have previously accepted an obligation to serve for a definite period as a condition of being enabled to acquire education or technical qualifications of special value to the community for development.

(3) Where exceptions are so permitted, participants should, to the greatest possible extent, be given a free choice among different available forms of activity and different regions within the country and due account should be taken in their assignment of their qualifications and aptitudes.

8. The conditions of service of participants in special schemes should be clearly defined by the competent authority; they should be in conformity with the legal provisions governing minimum age for admission to employment and in harmony with other legal provisions applicable to young persons in regular training or in normal employment.

9. Participants should continue to have the opportunity of membership in youth or trade union organisations of their choice and of taking part in their activities.

10. There should be formal procedures for appeal by participants against decisions concerning their recruitment, their admission or their conditions of service, as well as informal grievance procedures to deal with minor complaints.

III. Schemes which meet needs for youth employment and training not yet met by existing national educational or vocational training programmes or by normal opportunities on the employment market

A. Purposes

11. As appropriate to national needs and circumstances, special schemes to which this Part of this Recommendation applies should serve one or more of the following specific purposes:

- (a) to give young persons who are educationally or otherwise disadvantaged such education, skills and work habits as are necessary for useful and remunerative economic activity and for integration into society;
- (b) to involve young persons in national economic and social development, including agricultural and rural development;
- (c) to provide useful occupation related to economic and social development for young persons who would otherwise be unemployed.

B. Participation

12. In selecting young persons to participate in social schemes, the following should be taken into account:

- (a) age and education, training and work experience if any, in relation, according to the nature of the scheme, to the aim of extending the opportunities of disadvantaged young persons, to ability to benefit from the scheme and to ability to contribute to the scheme;
- (b) mental and physical aptitude for the tasks to be performed, both as a participant and subsequently;
- (c) the extent to which the experience to be acquired in the scheme is likely to enhance the further opportunities of the young persons concerned and their potential usefulness in economic and social development.

13. Age-limits for participation which are appropriate to the training offered and the work to be performed in different kinds of special schemes should be specified by the competent authority and should take account of international labour standards regarding minimum age for admission to employment.

14. Special schemes should allow as large a number of young persons as possible to transfer to normal economic activity or to regular educational or vocational training programmes and the period of participation should accordingly be limited.

15. In all special schemes, appropriate action should be taken to ensure that before admission each participant fully understands all the conditions of service, including rules of conduct that may exist, the work content of the scheme, the required training and entitlements during the period and at the time of termination of service.

C. Content of special schemes

16. The content of special schemes should be adapted to and may vary, even within one scheme, according to the age, sex, educational and training level and capacities of the participants.

17. All special schemes should include a brief initial period for:

- (a) instruction in matters of importance to all participants, such as, in particular, general safety and health rules and the detailed regulations governing activities under the scheme;
- (b) accustoming participants to the conditions of life and work under the scheme and stimulating their interest;
- (c) ascertaining the participants' aptitudes with a view to placing them in the type of activity best corresponding to these aptitudes.

18. Participants in special schemes should be provided with a complement of education, including civic, economic and social education, related to their needs and to the needs and aspirations of the country and should be informed of the role and functions of organisations established on a voluntary basis to represent the interests of workers and employers.

19. Special schemes designed, in whole or in part, to provide young persons who have limited opportunities with the skills necessary for useful economic activity should:

- (a) concentrate on preparing participants for occupations in which they are likely to find opportunities for useful work, while giving fullest possible consideration to their occupational preferences;
- (b) provide participants with a sound basis of practical skills and related theoretical knowledge;
- (c) take account of the potential role of participants as a stimulating influence on others, and give them the qualifications necessary for such a role;
- (d) facilitate and, as far as possible, ensure:
 - (i) transition to regular educational or vocational training programmes or to other special schemes for further education or training, particularly of those showing special abilities;
 - (ii) transition to normal economic activity, in particular by measures designed to ensure the acceptability, in such economic activity, of the qualifications acquired by participants.

20. Special schemes designed, in whole or in part, to involve young persons in economic or social development projects should:

- (a) include training, at least to the extent of providing full training as required for the work to be undertaken, and training in relevant health and safety measures;
- (b) aim at developing good work practices;
- (c) employ participants, where possible, in fields for which they show aptitude and have some qualification.

21. Criteria for selecting work projects for the special schemes referred to in the preceding Paragraph should include the following:

- (a) potential contribution to expansion of economic activity in the country or region and, in particular, to expansion of subsequent opportunities for the participants;
- (b) training value, with particular reference to occupations in which participants are subsequently likely to find opportunities for useful work;
- (c) value as an investment in economic and social development and economic viability, including costs in relation to results;
- (d) need for special means of action, implying in particular that the work of participants will not be in unfair competition with that of workers in normal employment.

D. Conditions of service

22. The conditions of service should comply at least with the following standards:

- (a) the duration of service should not normally exceed two years;
- (b) certain grounds, such as medical reasons, or family or personal difficulties, should be recognised as justifying the release of participants before the expiry of the normal period of service;
- (c) the hours spent in a day and in a week on work and training should be so limited as to allow sufficient time for education and for rest as well as leisure activities;
- (d) in addition to such adequate accommodation, food and clothing as may be appropriate to the nature of the special scheme, participants should receive a payment in cash and be offered the opportunity and incentive to accumulate some savings;
- (e) in special schemes with a duration of service of one year or more, participants should be granted an annual holiday, where possible with free travel to and from their homes;
- (f) as far as possible, participants should be covered by social security provisions applicable to persons working under normal contracts; in any event there should be arrangements for free medical care of participants and for compensation in respect of incapacity or death resulting from injury or illness contracted in the special scheme.

E. Selection and training of staff

23. All special schemes should include arrangements which ensure adequate supervision of participants by trained staff having access to technical and pedagogical guidance.

24. (1) In the selection of staff, emphasis should be placed not only on satisfactory qualifications for and experience in the work to be performed, but also on understanding of young persons, on qualities of leadership and on adaptability. At least some members of the staff should have experience of normal employment outside special schemes.

(2) All possible sources of recruitment of staff should be explored, including the possibility of encouraging participants in special schemes who have shown qualities of leadership to prepare themselves for staff positions.

25. Training of supervisory and other technical staff should include, in addition to such instruction in vocational specialities as may be necessary, at least the following:

- (a) training in instruction techniques, with particular emphasis on those used in training young persons;
- (b) basic instruction in human relations, with special reference to motivation and work attitudes;
- (c) training in work organisation, including the assignment of duties according to the abilities and training level of participants.

26. Training of administrative staff should include, in addition to such instruction in vocational specialities as may be necessary, at least the following:

- (a) instruction designed to give the persons concerned an understanding of the objectives of the special scheme and knowledge of applicable labour and youth protection legislation, and of specific rules and regulations governing the schemes;
- (b) instruction to provide a sufficient knowledge of the technical aspects of the work of the scheme;
- (c) such instruction in human relations as will facilitate good relations with supervisory and other technical staff and with participants.

F. Assistance to participants for their occupational future

27. During service in a special scheme, participants should be given information and guidance to assist them in making decisions regarding their occupational future.

28. Participants showing special aptitudes should be helped in all appropriate ways to continue their education and training outside the special scheme on completion of service.

29. Special and immediate efforts should be made to integrate participants rapidly in normal economic activity on completion of their term of service; these should be in addition to the regular efforts by the employment services and all other appropriate bodies.

30. The release of participants from special schemes should as far as possible be related, in time and in number, to the capacity of the economy to absorb new entrants into gainful activity: Provided that in exceptional schemes with a compulsory element the individual's right to leave the scheme after the period of service originally specified should be ensured.

31. Assistance, wherever possible through existing institutions, to former participants who establish themselves on their own account, or as members of a group, might include:

- (a) promotion of access to credit, marketing and saving facilities;
- (b) continuing contact to provide encouragement and necessary technical managerial advice;
- (c) in the case of co-operatives, financial and administrative aid as provided for in the Co-operatives (Developing Countries) Recommendation, 1966.

32. To the extent that resources permit, participants should receive on satisfactory completion of service a payment in cash or a payment in kind, such as a tool-kit, designed to assist their establishment in normal economic activity.

IV. Schemes which enable young persons who have educational or technical qualifications which are needed by the community for development to use their qualifications in the service of the community

33. Special schemes to which this Part of this Recommendation applies should stimulate the interest of young persons in the economic and social development of their country and develop a sense of responsibility to the community.

34. Participants should be employed in fields for which they are specially qualified or in closely related fields.

35. As necessary, the qualifications of participants should be supplemented with training in skills and methods needed for the tasks to be performed.

36. Arrangements should be made under which qualified guidance and advice on problems encountered in their assignment are readily available to participants.

37. The conditions of service should comply at least with the following standards:

- (a) the duration of service should not normally exceed two years;
- (b) certain grounds, such as medical reasons, or family or personal difficulties, should be recognised as justifying the release of participants before the expiry of the normal period of service;
- (c) work and training schedules should take account of the need of participants for rest and leisure;
- (d) in addition to such adequate board and lodging as may be appropriate to the nature of the special scheme, participants should receive an appropriate remuneration;
- (e) in special schemes with a duration of service of one year or more, participants should be granted an annual holiday, where possible with free travel to and from their homes;

(f) participants should be covered by any appropriate social security provisions applicable to persons working under normal contracts; in any event there should be arrangements for free medical care of participants and for compensation in respect of incapacity or death resulting from injury or illness contracted in the special scheme.

38. Measures should be taken to facilitate the absorption of participants, after termination of service, into normal employment in their profession or occupation.

V. Administrative arrangements

39. The direction and co-ordination of special schemes at the national level should be achieved by means of some appropriate body or bodies established by the competent authority.

40. The body or bodies should, wherever possible, include, in addition to government members, representatives of workers', employers' and youth organisations so as to ensure their active participation in the planning, operation, co-ordination, inspection and evaluation of the special schemes.

41. In the performance of these tasks the body or bodies should, as necessary, consult voluntary agencies and authorities responsible for such relevant fields as labour, education, economic affairs, agriculture, industry and social affairs.

42. The body or bodies should maintain continuous liaison with the authorities responsible for regular educational and training programmes, in order to ensure co-ordination with a view to the gradual elimination of special schemes as rapidly as possible.

43. The active participation of local authorities should be sought in relation to the choice and implementation of projects within the framework of special schemes.

44. When establishing special schemes, the competent authority should endeavour to provide sufficient financial and material resources and the necessary qualified staff to ensure their full implementation. In this connection particular attention should be given to ways in which the schemes could generate their own sources of income. No financial contribution should be required from the participant or his family.

45. Provision should be made for the systematic inspection and auditing of special schemes.

46. Organisation at the local level should be such as to train and encourage the participants gradually to take a share in the administration of their scheme.

VI. International co-operation

47. As regards special schemes under which young persons from one country participate in activities directed to the development of another country, the competent authorities and bodies concerned should apply the relevant provisions of this Recommendation as fully as possible in respect of matters within their jurisdiction and should co-operate with each other with a view both to ensuring the application of such provisions to matters requiring joint action and to resolving any difficulties which may arise in connection with such application.

Paid Educational Leave Recommendation, 1974 (No. 148)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 59th Session (24 June 1974)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and

Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

Having decided upon the adoption of certain proposals with regard to paid educational leave, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four, the following Recommendation, which may be cited as the Paid Educational Leave Recommendation, 1974:

I. Definition

1. In this Recommendation, the term *paid educational leave* means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

II. Formulation of policy and methods of implementation

2. Each Member should formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of:

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

3. That policy should be designed to contribute, on differing terms as necessary:

- (a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;
- (b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;
- (c) to the human, social and cultural advancement of workers; and
- (d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

4. (1) The policy should take account of the stage of development and the particular needs of the country and of different sectors of activity, of other social objectives, and of national priorities.

(2) It should be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

5. The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

6. It should be recognised that paid educational leave is not a substitute for adequate education and training early in life and that it is only one of a variety of means for continuing education and training.

III. Measures for promotion of paid educational leave

7. The public authorities, employers' and workers' organisations, and institutions or bodies providing education and training should be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

8. Measures should be taken, on the basis of plans adapted to the aims of the policy:

- (a) to ascertain the current and future education and training needs of workers which may be met by paid educational leave;
- (b) to make full use of all available education and training facilities, and to establish new facilities to meet the education and training purposes of paid educational leave;
- (c) to take account in teaching methods and education and training programmes of the objects and the terms of paid educational leave, which reflect new needs;
- (d) to encourage workers to make the best use of education and training facilities available to them;
- (e) to encourage employers to grant paid educational leave to workers.

9. There should be adequate systems of information and guidance regarding possibilities of paid educational leave.

10. Adequate arrangements should be made to ensure that the education and training provided are of appropriate quality.

IV. Financing

11. The financing of arrangements for paid educational leave should be on a regular and adequate basis and in accordance with national practice.

12. It should be recognised that:

- (a) employers, collectively or individually,
- (b) public authorities and educational or training institutions or bodies, and
- (c) employers' and workers' organisations, may be expected to contribute to the financing of arrangements for paid educational leave according to their respective responsibilities.

V. Conditions for granting of paid educational leave

13. Paid educational leave should not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

14. Workers should remain free to decide in which education or training programmes they wish to participate.

15. As necessary, special provisions concerning paid educational leave should be established:

- (a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;
- (b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that workers in these undertakings would not be excluded from the benefit of paid educational leave.

16. Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for:

- (a) training at any level;
- (b) general, social or civic education; or
- (c) trade union education.

17. (1) In determining conditions of eligibility, account should be taken of the types of education or training programmes available and of the needs of workers and their organisations and of undertakings, as well as of the public interest.

(2) As regards paid educational leave for trade union education, the workers' organisations concerned should have the responsibility for selection of candidates.

(3) The manner in which workers who satisfy the conditions of eligibility are granted paid educational leave should be agreed upon between undertakings or the employers' organisations concerned and the workers' organisations concerned so as to ensure the efficient continuing operation of the undertakings in question.

18. (1) Where trade union education programmes are carried out by the trade union organisations themselves, they should have the responsibility for planning, approval and implementation of the programmes.

(2) Where such programmes are carried out by other educational institutions or bodies, they should be established in agreement between those bodies and the trade union organisations concerned.

19. As required by national or local circumstances or by the circumstances of an undertaking, priority in the granting of paid educational leave should be given to particular categories of workers, or particular occupations or functions, which have especially urgent education or training needs.

20. The financial entitlements of workers during paid educational leave should:

- (a) maintain their level of earnings by continued payment of their wages and other benefits, or by adequate compensation therefor, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice;
- (b) take account of any major additional costs of education or training.

21. A period of paid educational leave should be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards, or such other means as may be consistent with national practice.

Employment security*



Termination of Employment Convention, 1982 (No. 158)	281
Termination of Employment Recommendation, 1982 (No. 166)	285

* Replaced recommendation: Termination of Employment Recommendation, 1963 (No. 119)

Termination of Employment Convention, 1982 (No. 158)

Entry into force	Adoption	Ratifications as of 1st of October 2014
23 Nov 1985	Geneva, ILC 68th Session (22 June 1982)	36 Denounced: 1
Status		
Technical instrument – The Governing Body decided to request the Director-General to bear in mind, when drawing up proposals for future actions of the Office, the matters raised in the final report of the Tripartite Meeting of Experts to examine the convention, held in April 2011.		

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-eighth Session on 2 June 1982, and

Noting the existing international standards contained in the Termination of Employment Recommendation, 1963, and

Noting that since the adoption of the Termination of Employment Recommendation, 1963, significant developments have occurred in the law and practice of many member States on the questions covered by that Recommendation, and

Considering that these developments have made it appropriate to adopt new international standards on the subject, particularly having regard to the serious problems in this field resulting from the economic difficulties and technological changes experienced in recent years in many countries,

Having decided upon the adoption of certain proposals with regard to termination of employment at the initiative of the employer, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-second day of June of the year one thousand nine hundred and eighty-two the following Convention, which may be cited as the Termination of Employment Convention, 1982:

Part I. Methods of implementation, scope and definitions

Article 1

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards or court decisions or in such other manner as may be consistent with national practice, be given effect by laws or regulations.

Article 2

1. This Convention applies to all branches of economic activity and to all employed persons.

2. A Member may exclude the following categories of employed persons from all or some of the provisions of this Convention:

- (a) workers engaged under a contract of employment for a specified period of time or a specified task;
- (b) workers serving a period of probation or a qualifying period of employment, determined in advance and of reasonable duration;
- (c) workers engaged on a casual basis for a short period.

3. Adequate safeguards shall be provided against recourse to contracts of employment for a specified period of time the aim of which is to avoid the protection resulting from this Convention.

4. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Convention or certain provisions thereof categories of employed persons whose terms and conditions of employment are governed by special arrangements which as a whole provide protection that is at least equivalent to the protection afforded under the Convention.

5. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Convention or certain provisions thereof other limited categories of employed persons in respect of which special problems of a substantial nature arise in the light of the particular conditions of employment of the workers concerned or the size or nature of the undertaking that employs them.

6. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraphs 4 and 5 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice regarding the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

Article 3

For the purpose of this Convention the terms *termination* and *termination of employment* mean termination of employment at the initiative of the employer.

Part II. Standards of general application

Division A. Justification for termination

Article 4

The employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service.

Article 5

The following, inter alia, shall not constitute valid reasons for termination:

- (a) union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours;
- (b) seeking office as, or acting or having acted in the capacity of, a workers' representative;
- (c) the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
- (d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
- (e) absence from work during maternity leave.

Article 6

1. Temporary absence from work because of illness or injury shall not constitute a valid reason for termination.

2. The definition of what constitutes temporary absence from work, the extent to which medical certification shall be required and possible limitations to the application of paragraph 1 of this Article shall be determined in accordance with the methods of implementation referred to in Article 1 of this Convention.

Division B. Procedure prior to or at the time of termination

Article 7

The employment of a worker shall not be terminated for reasons related to the worker's conduct or performance before he is provided an opportunity to defend himself against the allegations made, unless the employer cannot reasonably be expected to provide this opportunity.

Division C. Procedure of appeal against termination

Article 8

1. A worker who considers that his employment has been unjustifiably terminated shall be entitled to appeal against that termination to an impartial body, such as a court, labour tribunal, arbitration committee or arbitrator.

2. Where termination has been authorised by a competent authority the application of paragraph 1 of this Article may be varied according to national law and practice.

3. A worker may be deemed to have waived his right to appeal against the termination of his employment if he has not exercised that right within a reasonable period of time after termination.

Article 9

1. The bodies referred to in Article 8 of this Convention shall be empowered to examine the reasons given for the termination and the other circumstances relating to the case and to render a decision on whether the termination was justified.

2. In order for the worker not to have to bear alone the burden of proving that the termination was not justified, the methods of implementation referred to in Article 1 of this Convention shall provide for one or the other or both of the following possibilities:

- (a) the burden of proving the existence of a valid reason for the termination as defined in Article 4 of this Convention shall rest on the employer;
- (b) the bodies referred to in Article 8 of this Convention shall be empowered to reach a conclusion on the reason for the termination having regard to the evidence provided by the parties and according to procedures provided for by national law and practice.

3. In cases of termination stated to be for reasons based on the operational requirements of the undertaking, establishment or service, the bodies referred to in Article 8 of this Convention shall be empowered to determine whether the termination was indeed for these reasons, but the extent to which they shall also be empowered to decide whether these reasons are sufficient to justify that termination shall be determined by the methods of implementation referred to in Article 1 of this Convention.

Article 10

If the bodies referred to in Article 8 of this Convention find that termination is unjustified and if they are not empowered or do not find it practicable, in accordance with national law and practice, to declare the termination invalid and/or order or propose reinstatement of the worker, they shall be empowered to order payment of adequate compensation or such other relief as may be deemed appropriate.

*Division D. Period of notice**Article 11*

A worker whose employment is to be terminated shall be entitled to a reasonable period of notice or compensation in lieu thereof, unless he is guilty of serious misconduct, that is, misconduct of such a nature that it would be unreasonable to require the employer to continue his employment during the notice period.

*Division E. Severance allowance and other income protection**Article 12*

1. A worker whose employment has been terminated shall be entitled, in accordance with national law and practice, to:

- (a) a severance allowance or other separation benefits, the amount of which shall be based inter alia on length of service and the level of wages, and paid directly by the employer or by a fund constituted by employers' contributions; or
- (b) benefits from unemployment insurance or assistance or other forms of social security, such as old-age or invalidity benefits, under the normal conditions to which such benefits are subject; or
- (c) a combination of such allowance and benefits.

2. A worker who does not fulfil the qualifying conditions for unemployment insurance or assistance under a scheme of general scope need not be paid any allowance or benefit referred to in paragraph 1, subparagraph (a), of this Article solely because he is not receiving an unemployment benefit under paragraph 1, subparagraph (b).

3. Provision may be made by the methods of implementation referred to in Article 1 of this Convention for loss of entitlement to the allowance or benefits referred to in paragraph 1, subparagraph (a), of this Article in the event of termination for serious misconduct.

Part III. Supplementary provisions concerning terminations of employment for economic, technological, structural or similar reasons

*Division A. Consultation of workers' representatives**Article 13*

1. When the employer contemplates terminations for reasons of an economic, technological, structural or similar nature, the employer shall:

- (a) provide the workers' representatives concerned in good time with relevant information including the reasons for the terminations contemplated, the number and categories of workers likely to be affected and the period over which the terminations are intended to be carried out;
- (b) give, in accordance with national law and practice, the workers' representatives concerned, as early as possible, an opportunity for consultation on measures to be taken to avert or to minimise the terminations and measures to mitigate the adverse effects of any terminations on the workers concerned such as finding alternative employment.

2. The applicability of paragraph 1 of this Article may be limited by the methods of implementation referred to in Article 1 of this Convention to cases in which the number of workers whose termination of employment is contemplated is at least a specified number or percentage of the workforce.

3. For the purposes of this Article the term *the workers' representatives concerned* means the workers' representatives recognised as such by national law or practice, in conformity with the Workers' Representatives Convention, 1971.

*Division B. Notification to the competent authority**Article 14*

1. When the employer contemplates terminations for reasons of an economic, technological, structural or similar nature, he shall notify, in accordance with national law and practice, the competent authority thereof as early as possible, giving relevant information, including a written statement of the reasons for the terminations, the number and categories of workers likely to be affected and the period over which the terminations are intended to be carried out.

2. National laws or regulations may limit the applicability of paragraph 1 of this Article to cases in which the number of workers whose termination of employment is contemplated is at least a specified number or percentage of the workforce.

3. The employer shall notify the competent authority of the terminations referred to in paragraph 1 of this Article a minimum period of time before carrying out the terminations, such period to be specified by national laws or regulations.

Termination of Employment Recommendation, 1982 (No. 166)

Status	Adoption
Technical instrument – The Governing Body decided to request the Director-General to bear in mind, when drawing up proposals for future actions of the Office, the matters raised in the final report of the Tripartite Meeting of Experts to examine the recommendation, held in April 2011.	Geneva, ILC 68th Session (22 June 1982)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-eighth Session on 2 June 1982, and

Having decided upon the adoption of certain proposals with regard to termination of employment at the initiative of the employer, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Termination of Employment Convention, 1982;

adopts this twenty-second day of June of the year one thousand nine hundred and eighty-two, the following Recommendation, which may be cited as the Termination of Employment Recommendation, 1982:

I. Methods of implementation, scope and definitions

1. The provisions of this Recommendation may be applied by national laws or regulations, collective agreements, works rules, arbitration awards or court decisions or in such other manner consistent with national practice as may be appropriate under national conditions.

2. (1) This Recommendation applies to all branches of economic activity and to all employed persons.

(2) A Member may exclude the following categories of employed persons from all or some of the provisions of this Recommendation:

- (a) workers engaged under a contract of employment for a specified period of time or a specified task;
- (b) workers serving a period of probation or a qualifying period of employment, determined in advance and of reasonable duration;
- (c) workers engaged on a casual basis for a short period.

(3) In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Recommendation or certain provisions thereof categories of employed persons whose terms and conditions of employment are governed by special arrangements, which as a whole provide protection that is at least equivalent to the protection afforded under the Recommendation.

(4) In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Recommendation or certain provisions thereof other limited categories of employed persons in respect of which special problems of a substantial nature arise in the light of the particular conditions of employment of the workers concerned or the size or nature of the undertaking that employs them.

3. (1) Adequate safeguards should be provided against recourse to contracts of employment for a specified period of time the aim of which is to avoid the protection resulting from the Termination of Employment Convention, 1982, and this Recommendation.

(2) To this end, for example, provision may be made for one or more of the following:

- (a) limiting recourse to contracts for a specified period of time to cases in which, owing either to the nature of the work to be effected or to the circumstances under which it is to be effected or to the interests of the worker, the employment relationship cannot be of indeterminate duration;
- (b) deeming contracts for a specified period of time, other than in the cases referred to in clause (a) of this subparagraph, to be contracts of employment of indeterminate duration;
- (c) deeming contracts for a specified period of time, when renewed on one or more occasions, other than in the cases mentioned in clause (a) of this subparagraph, to be contracts of employment of indeterminate duration.

4. For the purpose of this Recommendation the terms *termination* and *termination of employment* mean termination of employment at the initiative of the employer.

II. Standards of general application

Justification for termination

5. In addition to the grounds referred to in Article 5 of the Termination of Employment Convention, 1982, the following should not constitute valid reasons for termination:

- (a) age, subject to national law and practice regarding retirement;
- (b) absence from work due to compulsory military service or other civic obligations, in accordance with national law and practice.

6. (1) Temporary absence from work because of illness or injury should not constitute a valid reason for termination.

(2) The definition of what constitutes temporary absence from work, the extent to which medical certification should be required and possible limitations to the application of subparagraph (1) of this Paragraph should be determined in accordance with the methods of implementation referred to in Paragraph 1 of this Recommendation.

Procedure prior to or at the time of termination

7. The employment of a worker should not be terminated for misconduct of a kind that under national law or practice would justify termination only if repeated on one or more occasions, unless the employer has given the worker appropriate written warning.

8. The employment of a worker should not be terminated for unsatisfactory performance, unless the employer has given the worker appropriate instructions and written warning and the worker continues to perform his duties unsatisfactorily after a reasonable period of time for improvement has elapsed.

9. A worker should be entitled to be assisted by another person when defending himself, in accordance with Article 7 of the Termination of Employment Convention, 1982, against allegations

regarding his conduct or performance liable to result in the termination of his employment; this right may be specified by the methods of implementation referred to in Paragraph 1 of this Recommendation.

10. The employer should be deemed to have waived his right to terminate the employment of a worker for misconduct if he has failed to do so within a reasonable period of time after he has knowledge of the misconduct.

11. The employer may consult workers' representatives before a final decision is taken on individual cases of termination of employment.

12. The employer should notify a worker in writing of a decision to terminate his employment.

13. (1) A worker who has been notified of termination of employment or whose employment has been terminated should be entitled to receive, on request, a written statement from his employer of the reason or reasons for the termination.

(2) Subparagraph (1) of this Paragraph need not be applied in the case of collective termination for the reasons referred to in Articles 13 and 14 of the Termination of Employment Convention, 1982, if the procedure provided for therein is followed.

Procedure of appeal against termination

14. Provision may be made for recourse to a procedure of conciliation before or during appeal proceedings against termination of employment.

15. Efforts should be made by public authorities, workers' representatives and organisations of workers to ensure that workers are fully informed of the possibilities of appeal at their disposal.

Time off from work during the period of notice

16. During the period of notice referred to in Article 11 of the Termination of Employment Convention, 1982, the worker should, for the purpose of seeking other employment, be entitled to a reasonable amount of time off without loss of pay, taken at times that are convenient to both parties.

Certificate of employment

17. A worker whose employment has been terminated should be entitled to receive, on request, a certificate from the employer specifying only the dates of his engagement and termination of his employment and the type or types of work on which he was employed; nevertheless, and at the request of the worker, an evaluation of his conduct and performance may be given in this certificate or in a separate certificate.

Severance allowance and other income protection

18. (1) A worker whose employment has been terminated should be entitled, in accordance with national law and practice, to:

- (a) a severance allowance or other separation benefits, the amount of which should be based, inter alia, on length of service and the level of wages, and paid directly by the employer or by a fund constituted by employers' contributions; or
- (b) benefits from unemployment insurance or assistance or other forms of social security, such as old-age or invalidity benefits, under the normal conditions to which such benefits are subject; or
- (c) a combination of such allowance and benefits.

(2) A worker who does not fulfil the qualifying conditions for unemployment insurance or assistance under a scheme of general scope need not be paid any allowance or benefit referred to in subparagraph (1) (a) of this Paragraph solely because he is not receiving an unemployment benefit under subparagraph (1) (b).

(3) Provision may be made by the methods of implementation referred to in Paragraph 1 of this Recommendation for loss of entitlement to the allowance or benefits referred to in subparagraph (1) (a) of this Paragraph in the event of termination for serious misconduct.

III. Supplementary provisions concerning terminations of employment for economic, technological, structural or similar reasons

19. (1) All parties concerned should seek to avert or minimise as far as possible termination of employment for reasons of an economic, technological, structural or similar nature, without prejudice to the efficient operation of the undertaking, establishment or service, and to mitigate the adverse effects of any termination of employment for these reasons on the worker or workers concerned.

(2) Where appropriate, the competent authority should assist the parties in seeking solutions to the problems raised by the terminations contemplated.

Consultations on major changes in the undertaking

20. (1) When the employer contemplates the introduction of major changes in production, programme, organisation, structure or technology that are likely to entail terminations, the employer should consult the workers' representatives concerned as early as possible on, inter alia, the introduction of such changes, the effects they are likely to have and the measures for averting or mitigating the adverse effects of such changes.

(2) To enable the workers' representatives concerned to participate effectively in the consultations referred to in subparagraph (1) of this Paragraph, the employer should supply them in good time with all relevant information on the major changes contemplated and the effects they are likely to have.

(3) For the purposes of this Paragraph the term the workers' representatives concerned means the workers' representatives recognised as such by national law or practice, in conformity with the Workers' Representatives Convention, 1971. Measures to Avert or Minimise Termination

21. The measures which should be considered with a view to averting or minimising terminations of employment for reasons of an economic, technological, structural or similar nature might include, inter alia, restriction of hiring, spreading the workforce reduction over a certain period of time to permit natural reduction of the workforce, internal transfers, training and retraining, voluntary early retirement with appropriate income protection, restriction of overtime and reduction of normal hours of work.

22. Where it is considered that a temporary reduction of normal hours of work would be likely to avert or minimise terminations of employment due to temporary economic difficulties, consideration should be given to partial compensation for loss of wages for the normal hours not worked, financed by methods appropriate under national law and practice.

Criteria for selection for termination

23. (1) The selection by the employer of workers whose employment is to be terminated for reasons of an economic, technological, structural or similar nature should be made according to criteria, established wherever possible in advance, which give due weight both to the interests of the undertaking, establishment or service and to the interests of the workers.

(2) These criteria, their order of priority and their relative weight, should be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation.

Priority of rehiring

24. (1) Workers whose employment has been terminated for reasons of an economic, technological, structural or similar nature, should be given a certain priority of rehiring if the employer again hires workers with comparable qualifications, subject to their having, within a given period from the time of their leaving, expressed a desire to be rehired.

(2) Such priority of rehiring may be limited to a specified period of time.

(3) The criteria for the priority of rehiring, the question of retention of rights—particularly seniority rights—in the event of rehiring, as well as the terms governing the wages of rehired workers, should be determined according to the methods of implementation referred to in Paragraph 1 of this Recommendation.

Mitigating the effects of termination

25. (1) In the event of termination of employment for reasons of an economic, technological, structural or similar nature, the placement of the workers affected in suitable alternative employment as soon as possible, with training or retraining where appropriate, should be promoted by measures suitable to national circumstances, to be taken by the competent authority, where possible with the collaboration of the employer and the workers' representatives concerned.

(2) Where possible, the employer should assist the workers affected in the search for suitable alternative employment, for example through direct contacts with other employers.

(3) In assisting the workers affected in obtaining suitable alternative employment or training or retraining, regard may be had to the Human Resources Development Convention and Recommendation, 1975.

26. (1) With a view to mitigating the adverse effects of termination of employment for reasons of an economic, technological, structural or similar nature, consideration should be given to providing income protection during any course of training or retraining and partial or total reimbursement of expenses connected with training or retraining and with finding and taking up employment which requires a change of residence.

(2) The competent authority should consider providing financial resources to support in full or in part the measures referred to in subparagraph (1) of this Paragraph, in accordance with national law and practice.

IV. Effect on earlier recommendation

27. This Recommendation and the Termination of Employment Convention, 1982, supersede the Termination of Employment Recommendation, 1963.

Wages

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Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	20 Sep 1952	Geneva, ILC 32nd Session (29 June 1949)	62 Denounced: 1

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and
 Having decided upon the adoption of certain proposals concerning labour clauses in public contracts, which is the sixth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Labour Clauses (Public Contracts) Convention, 1949:

Article 1

1. This Convention applies to contracts which fulfil the following conditions:
 - (a) that one at least of the parties to the contract is a public authority;
 - (b) that the execution of the contract involves:
 - (i) the expenditure of funds by a public authority; and
 - (ii) the employment of workers by the other party to the contract;
 - (c) that the contract is a contract for:
 - (i) the construction, alteration, repair or demolition of public works;
 - (ii) the manufacture, assembly, handling or shipment of materials, supplies or equipment; or
 - (iii) the performance or supply of services; and
 - (d) that the contract is awarded by a central authority of a Member of the International Labour Organisation for which the Convention is in force.
2. The competent authority shall determine the extent to which and the manner in which the Convention shall be applied to contracts awarded by authorities other than central authorities.
3. This Convention applies to work carried out by subcontractors or assignees of contracts; appropriate measures shall be taken by the competent authority to ensure such application.
4. Contracts involving the expenditure of public funds of an amount not exceeding a limit fixed by the competent authority after consultation with the organisations of employers and workers concerned, where such exist, may be exempted from the application of this Convention.
5. The competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, exclude from the application of this Convention persons occupying positions of management or of a technical, professional or scientific character, whose conditions of employment are not regulated by national laws or regulations, collective agreement or arbitration award and who do not ordinarily perform manual work.

Article 2

1. Contracts to which this Convention applies shall include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on:

- (a) by collective agreement or other recognised machinery of negotiation between organisations of employers and workers representative respectively of substantial proportions of the employers and workers in the trade or industry concerned; or
- (b) by arbitration award; or
- (c) by national laws or regulations.

2. Where the conditions of labour referred to in the preceding paragraph are not regulated in a manner referred to therein in the district where the work is carried on, the clauses to be included in contracts shall ensure to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than:

- (a) those established by collective agreement or other recognised machinery of negotiation, by arbitration, or by national laws or regulations, for work of the same character in the trade or industry concerned in the nearest appropriate district; or
- (b) the general level observed in the trade or industry in which the contractor is engaged by employers whose general circumstances are similar.

3. The terms of the clauses to be included in contracts and any variations thereof shall be determined by the competent authority, in the manner considered most appropriate to the national conditions, after consultation with the organisations of employers and workers concerned, where such exist.

4. Appropriate measures shall be taken by the competent authority, by advertising specifications or otherwise, to ensure that persons tendering for contracts are aware of the terms of the clauses.

Article 3

Where appropriate provisions relating to the health, safety and welfare of workers engaged in the execution of contracts are not already applicable in virtue of national laws or regulations, collective agreement or arbitration award, the competent authority shall take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.

Article 4

The laws, regulations or other instrument giving effect to the provisions of this Convention:

- (a) shall:
 - (i) be brought to the notice of all persons concerned;
 - (ii) define the persons responsible for compliance therewith; and
 - (iii) require the posting of notices in conspicuous places at the establishments and workplaces concerned with a view to informing the workers of their conditions of work; and
- (b) shall, except where other arrangements are operating to ensure effective enforcement, provide for the maintenance of:
 - (i) adequate records of the time worked by, and the wages paid to, the workers concerned; and
 - (ii) a system of inspection adequate to ensure effective enforcement.

Article 5

1. Adequate sanctions shall be applied, by the withholding of contracts or otherwise, for failure to observe and apply the provisions of labour clauses in public contracts.
2. Appropriate measures shall be taken, by the withholding of payments under the contract or otherwise, for the purpose of enabling the workers concerned to obtain the wages to which they are entitled.

Article 6

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning the measures by which effect is given to the provisions of this Convention.

Article 7

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may, after consultation with the organisations of employers and workers concerned, where such exist, exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.
2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.
3. Each Member having recourse to the provisions of this Article shall, at intervals not exceeding three years, reconsider in consultation with the organisations of employers and workers concerned, where such exist, the practicability of extending the application of the Convention to areas exempted in virtue of paragraph 1.
4. Each Member having recourse to the provisions of this Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article and any progress which may have been made with a view to the progressive application of the Convention in such areas.

Article 8

The operation of the provisions of this Convention may be temporarily suspended by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, in cases of force majeure or in the event of emergency endangering the national welfare or safety.

Article 9

1. This Convention does not apply to contracts entered into before the coming into force of the Convention for the Member concerned.
2. The denunciation of this Convention shall not affect the application thereof in respect of contracts entered into while the Convention was in force.

Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 32nd Session (29 June 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning labour clauses in public contracts, which is the sixth item on the agenda of the session, and

Having decided that these proposals shall take the form of a Recommendation supplementing the Labour Clauses (Public Contracts) Convention, 1949,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-nine, the following Recommendation, which may be cited as the Labour Clauses (Public Contracts) Recommendation, 1949:

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto:

1. In cases where private employers are granted subsidies or are licensed to operate a public utility, provisions substantially similar to those of the labour clauses in public contracts should be applied.

2. Labour clauses in public contracts should prescribe, either directly or by reference to appropriate provisions contained in laws or regulations, collective agreements, arbitration awards or other recognised arrangements:

- (a) the normal and overtime rate of wages (including allowances) to be paid to the various categories of workers concerned;
- (b) the manner in which hours of work are to be regulated, including wherever appropriate:
 - (i) the number of hours that may be worked in any day, week or other specified period in respect of which normal rates of wages are to be paid;
 - (ii) the average number of hours that may be worked by persons working in successive shifts on continuous processes; and
 - (iii) where hours of work are calculated as an average, the period of time over which this average may be calculated and the normal maximum number of hours that may be worked in any specified period;
- (c) holiday and sick leave provisions.

Protection of Wages Convention, 1949 (No. 95)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	24 Sep 1952	Geneva, ILC 32nd Session (1 July 1949)	97 Denounced: 1

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and
 Having decided upon the adoption of certain proposals concerning the protection of wages, which is the seventh item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Protection of Wages Convention, 1949:

Article 1

In this Convention, the term *wages* means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered.

Article 2

1. This Convention applies to all persons to whom wages are paid or payable.
2. The competent authority may, after consultation with the organisations of employers and employed persons directly concerned, if such exist, exclude from the application of all or any of the provisions of the Convention categories of persons whose circumstances and conditions of employment are such that the application to them of all or any of the said provisions would be inappropriate and who are not employed in manual labour or are employed in domestic service or work similar thereto.
3. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories of persons which it proposes to exclude from the application of all or any of the provisions of the Convention in accordance with the provisions of the preceding paragraph; no Member shall, after the date of its first annual report, make exclusions except in respect of categories of persons so indicated.
4. Each Member having indicated in its first annual report categories of persons which it proposes to exclude from the application of all or any of the provisions of the Convention shall indicate in subsequent annual reports any categories of persons in respect of which it renounces the right to have recourse to the provisions of paragraph 2 of this Article and any progress which may have been made with a view to the application of the Convention to such categories of persons.

Article 3

1. Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited.

2. The competent authority may permit or prescribe the payment of wages by bank cheque or postal cheque or money order in cases in which payment in this manner is customary or is necessary because of special circumstances, or where a collective agreement or arbitration award so provides, or, where not so provided, with the consent of the worker concerned.

Article 4

1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of wages in the form of allowances in kind in industries or occupations in which payment in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned; the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances.

2. In cases in which partial payment of wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that:

- (a) such allowances are appropriate for the personal use and benefit of the worker and his family; and
- (b) the value attributed to such allowances is fair and reasonable.

Article 5

Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

Article 6

Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

Article 7

1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.

2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

Article 8

1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made.

Article 9

Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited.

Article 10

1. Wages may be attached or assigned only in a manner and within limits prescribed by national laws or regulations.

2. Wages shall be protected against attachment or assignment to the extent deemed necessary for the maintenance of the worker and his family.

Article 11

1. In the event of the bankruptcy or judicial liquidation of an undertaking, the workers employed therein shall be treated as privileged creditors either as regards wages due to them for service rendered during such a period prior to the bankruptcy or judicial liquidation as may be prescribed by national laws or regulations, or as regards wages up to a prescribed amount as may be determined by national laws or regulations.

2. Wages constituting a privileged debt shall be paid in full before ordinary creditors may establish any claim to a share of the assets.

3. The relative priority of wages constituting a privileged debt and other privileged debts shall be determined by national laws or regulations.

Article 12

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

Article 13

1. The payment of wages where made in cash shall be made on working days only and at or near the workplace, except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award, or where other arrangements known to the workers concerned are considered more appropriate.

2. Payment of wages in taverns or other similar establishments and, where necessary to prevent abuse, in shops or stores for the retail sale of merchandise and in places of amusement shall be prohibited except in the case of persons employed therein.

Article 14

Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner:

- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed; and
- (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change.

Article 15

The laws or regulations giving effect to the provisions of this Convention shall:

- (a) be made available for the information of persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) prescribe adequate penalties or other appropriate remedies for any violation thereof;
- (d) provide for the maintenance, in all appropriate cases, of adequate records in an approved form and manner.

Article 16

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning the measures by which effect is given to the provisions of this Convention.

Article 17

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may, after consultation with the organisations of employers and workers concerned, where such exist, exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of this Article shall, at intervals not exceeding three years, reconsider in consultation with the organisations of employers and workers concerned, where such exist, the practicability of extending the application of the Convention to areas exempted in virtue of paragraph 1.

4. Each Member having recourse to the provisions of this Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article and any progress which may have been made with a view to the progressive application of the Convention in such areas.

Protection of Wages Recommendation, 1949 (No. 85)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 32nd Session (1 July 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning the protection of wages, which is the seventh item on the agenda of the session, and

Having decided that these proposals shall take the form of a Recommendation supplementing the Protection of Wages Convention, 1949,

adopts this first day of July of the year one thousand nine hundred and forty-nine, the following Recommendation, which may be cited as the Protection of Wages Recommendation, 1949:

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. Deductions from wages

1. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family.

2. (1) Deductions from wages for the reimbursement of loss of or damage to the products, goods or installations of the employer should be authorised only when loss or damage has been caused for which the worker concerned can be clearly shown to be responsible.

(2) The amount of such deductions should be fair and should not exceed the actual amount of the loss or damage.

(3) Before a decision to make such a deduction is taken, the worker concerned should be given a reasonable opportunity to show cause why the deduction should not be made.

3. Appropriate measures should be taken to limit deductions from wages in respect of tools, materials or equipment supplied by the employer to cases in which such deductions:

- (a) are a recognised custom of the trade or occupation concerned; or
- (b) are provided for by collective agreement or arbitration award; or
- (c) are otherwise authorised by a procedure recognised by national laws or regulations.

II. Periodicity of wage payments

4. The maximum intervals for the payment of wages should ensure that wages are paid:

- (a) not less often than twice a month at intervals not exceeding sixteen days in the case of workers whose wages are calculated by the hour, day or week; and
- (b) not less often than once a month in the case of employed persons whose remuneration is fixed on a monthly or annual basis.

5. (1) In the case of workers whose wages are calculated on a piece-work or output basis, the maximum intervals for the payment of wages should, so far as possible, be so fixed as to ensure that wages are paid not less often than twice a month at intervals not exceeding sixteen days.

(2) In the case of workers employed to perform a task the completion of which requires more than a fortnight, and in respect of whom intervals for the payment of wages are not otherwise fixed by collective agreement or arbitration award, appropriate measures should be taken to ensure:

- (a) that payments are made on account, not less often than twice a month at intervals not exceeding sixteen days, in proportion to the amount of work completed; and
- (b) that final settlement is made within a fortnight of the completion of the task.

III. Notification to workers of wage conditions

6. The details of the wages conditions which should be brought to the knowledge of the workers should include, wherever appropriate, particulars concerning:

- (a) the rates of wages payable;
- (b) the method of calculation;
- (c) the periodicity of wage payments;
- (d) the place of payment; and
- (e) the conditions under which deductions may be made.

IV. Wages statements and payroll records

7. In all appropriate cases, workers should be informed, with each payment of wages, of the following particulars relating to the pay period concerned, in so far as such particulars may be subject to change:

- (a) the gross amount of wages earned;
- (b) any deduction which may have been made, including the reasons therefor and the amount thereof; and
- (c) the net amount of wages due.

8. Employers should be required in appropriate cases to maintain records showing, in respect of each worker employed, the particulars specified in the preceding Paragraph.

V. Association of workers in the administration of works stores

9. Appropriate measures should be taken to encourage arrangements for the association of representatives of the workers concerned, and more particularly members of works welfare committees or similar bodies where such bodies exist, in the general administration of works stores or similar services established in connection with an undertaking for the sale of commodities or provision of services to the workers thereof.

Minimum Wage Fixing Convention, 1970 (No. 131)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	29 Apr 1972	Geneva, ILC 54th Session (22 June 1970)	52

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fourth Session on 3 June 1970, and

Noting the terms of the Minimum Wage Fixing Machinery Convention, 1928, and the Equal Remuneration Convention, 1951, which have been widely ratified, as well as of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951, and

Considering that these Conventions have played a valuable part in protecting disadvantaged groups of wage earners, and

Considering that the time has come to adopt a further instrument complementing these Conventions and providing protection for wage earners against unduly low wages, which, while of general application, pays special regard to the needs of developing countries, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery and related problems, with special reference to developing countries, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-second day of June of the year one thousand nine hundred and seventy the following Convention, which may be cited as the Minimum Wage Fixing Convention, 1970:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate.

2. The competent authority in each country shall, in agreement or after full consultation with the representative organisations of employers and workers concerned, where such exist, determine the groups of wage earners to be covered.

3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any groups of wage earners which may not have been covered in pursuance of this Article, giving the reasons for not covering them, and shall state in subsequent reports the positions of its law and practice in respect of the groups not covered, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such groups.

Article 2

1. Minimum wages shall have the force of law and shall not be subject to abatement, and failure to apply them shall make the person or persons concerned liable to appropriate penal or other sanctions.

2. Subject to the provisions of paragraph 1 of this Article, the freedom of collective bargaining shall be fully respected.

Article 3

The elements to be taken into consideration in determining the level of minimum wages shall, so far as possible and appropriate in relation to national practice and conditions, include:

- (a) the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups;
- (b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

Article 4

1. Each Member which ratifies this Convention shall create and/or maintain machinery adapted to national conditions and requirements whereby minimum wages for groups of wage earners covered in pursuance of Article 1 thereof can be fixed and adjusted from time to time.

2. Provision shall be made, in connection with the establishment, operation and modification of such machinery, for full consultation with representative organisations of employers and workers concerned or, where no such organisations exist, representatives of employers and workers concerned.

3. Wherever it is appropriate to the nature of the minimum wage fixing machinery, provision shall also be made for the direct participation in its operation of:

- (a) representatives of organisations of employers and workers concerned or, where no such organisations exist, representatives of employers and workers concerned, on a basis of equality;
- (b) persons having recognised competence for representing the general interests of the country and appointed after full consultation with representative organisations of employers and workers concerned, where such organisations exist and such consultation is in accordance with national law or practice.

Article 5

Appropriate measures, such as adequate inspection reinforced by other necessary measures, shall be taken to ensure the effective application of all provisions relating to minimum wages.

Article 6

This Convention shall not be regarded as revising any existing Convention.

Minimum Wage Fixing Recommendation, 1970 (No. 135)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 54th Session (22 June 1970)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fourth Session on 3 June 1970, and

Noting the terms of the Minimum Wage Fixing Machinery Recommendation, 1928, the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951, and the Equal Remuneration Recommendation, 1951, which contain valuable guidelines for minimum wage fixing bodies, and

Considering that experience in more recent years has emphasised the importance of certain additional considerations relating to minimum wage fixing, including that of adopting criteria which will make systems of minimum wages both an effective instrument of social protection and an element in the strategy of economic and social development, and

Considering that minimum wage fixing should in no way operate to the prejudice of the exercise and growth of free collective bargaining as a means of fixing wages higher than the minimum, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery and related problems, with special reference to developing countries, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred and seventy, the following Recommendation, which may be cited as the Minimum Wage Fixing Recommendation, 1970:

I. Purpose of minimum wage fixing

1. Minimum wage fixing should constitute one element in a policy designed to overcome poverty and to ensure the satisfaction of the needs of all workers and their families.

2. The fundamental purpose of minimum wage fixing should be to give wage earners necessary social protection as regards minimum permissible levels of wages.

II. Criteria for determining the level of minimum wages

3. In determining the level of minimum wages, account should be taken of the following criteria, amongst others:

- (a) the needs of workers and their families;
- (b) the general level of wages in the country;
- (c) the cost of living and changes therein;
- (d) social security benefits;
- (e) the relative living standards of other social groups;
- (f) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

III. Coverage of the minimum wage fixing system

4. The number and groups of wage earners who are not covered in pursuance of Article 1 of the Minimum Wage Fixing Convention, 1970, should be kept to a minimum.

5. (1) The system of minimum wages may be applied to the wage earners covered in pursuance of Article 1 of the Convention either by fixing a single minimum wage of general application or by fixing a series of minimum wages applying to particular groups of workers.

(2) A system based on a single minimum wage:

- (a) need not be incompatible with the fixing of different rates of minimum wages in different regions or zones with a view to allowing for differences in costs of living;
- (b) should not impair the effects of decisions, past or future, fixing minimum wages higher than the general minimum for particular groups of workers.

IV. Minimum wage fixing machinery

6. The minimum wage fixing machinery provided for in Article 4 of the Convention may take a variety of forms, such as the fixing of minimum wages by:

- (a) statute;
- (b) decisions of the competent authority, with or without formal provision for taking account of recommendations from other bodies;
- (c) decisions of wages boards or councils;
- (d) industrial or labour courts or tribunals; or
- (e) giving the force of law to provisions of collective agreements.

7. The consultation provided for in paragraph 2 of Article 4 of the Convention should include, in particular, consultation in regard to the following matters:

- (a) the selection and application of the criteria for determining the level of minimum wages;
- (b) the rate or rates of minimum wages to be fixed;
- (c) the adjustment from time to time of the rate or rates of minimum wages;
- (d) problems encountered in the enforcement of minimum wage legislation;
- (e) the collection of data and the carrying out of studies for the information of minimum wage fixing authorities.

8. In countries in which bodies have been set up which advise the competent authority on minimum wage questions, or to which the government has delegated responsibility for minimum wage decisions, the participation in the operation of minimum wage fixing machinery referred to in paragraph 3 of Article 4 of the Convention should include membership of such bodies.

9. The persons representing the general interests of the country whose participation in the operation of minimum wage fixing machinery is provided for in Article 4, paragraph 3, subparagraph (b), of the Convention should be suitably qualified independent persons who may, where appropriate, be public officials with responsibilities in the areas of industrial relations or economic and social planning or policy-making.

10. To the extent possible in national circumstances, sufficient resources should be devoted to the collection of statistics and other data needed for analytical studies of the relevant economic factors, particularly those mentioned in Paragraph 3 of this Recommendation, and their probable evolution.

V. Adjustment of minimum wages

11. Minimum wage rates should be adjusted from time to time to take account of changes in the cost of living and other economic conditions.

12. To this end a review might be carried out of minimum wage rates in relation to the cost of living and other economic conditions either at regular intervals or whenever such a review is considered appropriate in the light of variations in a cost-of-living index.

13. (1) In order to assist in the application of Paragraph 11 of this Recommendation, periodical surveys of national economic conditions, including trends in income per head, in productivity and in employment, unemployment and underemployment, should be made to the extent that national resources permit.

(2) The frequency of such surveys should be determined in the light of national conditions.

VI. Enforcement

14. Measures to ensure the effective application of all provisions relating to minimum wages, as provided for in Article 5 of the Convention, should include the following:

- (a) arrangements for giving publicity to minimum wage provisions in languages or dialects understood by workers who need protection, adapted where necessary to the needs of illiterate persons;
- (b) the employment of a sufficient number of adequately trained inspectors equipped with the powers and facilities necessary to carry out their duties;
- (c) adequate penalties for infringement of the provisions relating to minimum wages;
- (d) simplification of legal provisions and procedures, and other appropriate means of enabling workers effectively to exercise their rights under minimum wage provisions, including the right to recover amounts by which they may have been underpaid;
- (e) the association of employers' and workers' organisations in efforts to protect workers against abuses;
- (f) adequate protection of workers against victimisation.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	8 June 1995	Geneva, ILC 79th Session (23 June 1992)	21

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 79th Session on 3 June 1992, and

Stressing the importance of the protection of workers' claims in the event of the insolvency of their employer and recalling the provisions on this subject in Article 11 of the Protection of Wages Convention, 1949, and Article 11 of the Workmen's Compensation (Accidents) Convention, 1925, and

Noting that, since the adoption of the Protection of Wages Convention, 1949, greater value has been placed on the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment, and

Noting that since the adoption of the aforementioned standards, significant developments have taken place in the law and practice of many Members which have improved the protection of workers' claims in the event of insolvency of their employer, and considering that it would be timely for the Conference to adopt new standards on the subject of workers' claims, and

Having decided upon the adoption of certain proposals with regard to the protection of workers' claims in the event of the insolvency of their employer, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-third day of June of the year one thousand nine hundred and ninety-two the following Convention, which may be cited as the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992.

Part I. General provisions

Article 1

1. For the purposes of this Convention, the term *insolvency* refers to situations in which, in accordance with national law and practice, proceedings have been opened relating to an employer's assets with a view to the collective reimbursement of its creditors.

2. For the purposes of this Convention, a Member may extend the term "insolvency" to other situations in which workers' claims cannot be paid by reason of the financial situation of the employer, for example where the amount of the employer's assets is recognised as being insufficient to justify the opening of insolvency proceedings.

3. The extent to which an employer's assets are subject to the proceedings referred to in paragraph 1 above shall be determined by national laws, regulations or practice.

Article 2

The provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice.

Article 3

1. A Member which ratifies this Convention shall accept either the obligations of Part II, providing for the protection of workers' claims by means of a privilege, or the obligations of Part III, providing for the protection of workers' claims by a guarantee institution, or the obligations of both Parts. This choice shall be indicated in a declaration accompanying its ratification.

2. A Member which has initially accepted only Part II or only Part III of this Convention may thereafter, by a declaration communicated to the Director-General of the International Labour Office, extend its acceptance to the other Part.

3. A Member which accepts the obligations of both Parts of this Convention may, after consulting the most representative organisations of employers and workers, limit the application of Part III to certain categories of workers and to certain branches of economic activity. Such limitations shall be specified in the declaration of acceptance.

4. A Member which has limited its acceptance of the obligations of Part III in accordance with paragraph 3 above shall, in its first report under article 22 of the Constitution of the International Labour Organisation, give the reasons for limiting its acceptance. In subsequent reports it shall provide information on any extension of the protection under Part III of this Convention to other categories of workers or other branches of economic activity.

5. A Member which has accepted the obligations of Parts II and III of this Convention may, after consulting the most representative organisations of employers and workers, exclude from the application of Part II those claims which are protected pursuant to Part III.

6. Acceptance by a Member of the obligations of Part II of this Convention shall *ipso jure* involve the termination of its obligations under Article 11 of the Protection of Wages Convention, 1949.

7. A Member which has accepted only the obligations of Part III of this Convention may, by a declaration communicated to the Director-General of the International Labour Office, terminate its obligations under Article 11 of the Protection of Wages Convention, 1949, in respect of those claims which are protected pursuant to Part III.

Article 4

1. Subject to the exceptions provided for in paragraph 2 below, and to any limitations specified in accordance with Article 3, paragraph 3, this Convention shall apply to all employees and to all branches of economic activity.

2. The competent authority, after consulting the most representative organisations of employers and workers, may exclude from Part II, Part III or both Parts of this Convention specific categories of workers, in particular public employees, by reason of the particular nature of their employment relationship, or if there are other types of guarantee affording them protection equivalent to that provided by the Convention.

3. A Member availing itself of the exceptions provided for in paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organisation, provide information on such exceptions, giving the reasons therefor.

Part II. Protection of workers' claims by means of a privilege

Protected claims

Article 5

In the event of an employer's insolvency, workers' claims arising out of their employment shall be protected by a privilege so that they are paid out of the assets of the insolvent employer before non-privileged creditors can be paid their share.

Article 6

The privilege shall cover at least:

- (a) the workers' claims for wages relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment;
- (b) the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;
- (c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment;
- (d) severance pay due to workers upon termination of their employment.

Limitations

Article 7

1. National laws or regulations may limit the protection by privilege of workers' claims to a prescribed amount, which shall not be below a socially acceptable level.

2. Where the privilege afforded to workers' claims is so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

Rank of privilege

Article 8

1. National laws or regulations shall give workers' claims a higher rank of privilege than most other privileged claims, and in particular those of the State and the social security system.

2. However, where workers' claims are protected by a guarantee institution in accordance with Part III of this Convention, the claims so protected may be given a lower rank of privilege than those of the State and the social security system.

Part III. Protection of workers' claims by a guarantee institution

General principles

Article 9

The payment of workers' claims against their employer arising out of their employment shall be guaranteed through a guarantee institution when payment cannot be made by the employer because of insolvency.

Article 10

In giving effect to this Part of the Convention, a Member may, after consulting the most representative organisations of employers and workers, adopt appropriate measures for the purpose of preventing possible abuse.

Article 11

1. The organisation, management, operation and financing of wage guarantee institutions shall be determined pursuant to Article 2
2. The preceding paragraph shall not prevent a Member, in accordance with its particular characteristics and needs, from allowing insurance companies to provide the protection referred to in Article 9, as long as they offer sufficient guarantees.

Claims protected by a guarantee institution

Article 12

The workers' claims protected pursuant to this Part of the Convention shall include at least:

- (a) the workers' claims for wages relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of the employment;
- (b) the workers' claims for holiday pay due as a result of work performed during a prescribed period, which shall not be less than six months, prior to the insolvency or prior to the termination of the employment;
- (c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of employment;
- (d) severance pay due to workers upon termination of their employment.

Article 13

1. Claims protected pursuant to this Part of the Convention may be limited to a prescribed amount, which shall not be below a socially acceptable level.
2. Where the claims protected are so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

Final provisions

Article 14

This Convention revises the Protection of Wages Convention, 1949, to the extent provided for in Article 3, paragraphs 6 and 7 above, but does not close that Convention to further ratifications.

Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992 (No. 180)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 79th Session (23 June 1992)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 79th Session on 3 June 1992, and

Stressing the importance of the protection of workers' claims in the event of the insolvency of their employer and recalling the provisions on this subject in Article 11 of the Protection of Wages Convention, 1949, and Article 11 of the Workmen's Compensation (Accidents) Convention, 1925, and

Noting that, since the adoption of the Protection of Wages Convention, 1949, greater value has been given to the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment, and

Noting that since the adoption of the aforementioned standards, significant developments have taken place in the law and practice of many Members which have improved the protection of workers' claims in the event of the insolvency of their employer, and considering that it would be timely for the Conference to adopt new standards on the subject of workers' claims, and

Recognising that guarantee institutions, if properly designed, afford greater protection of workers' claims, and

Having decided upon the adoption of certain proposals with regard to the protection of workers' claims in the event of the insolvency of their employer, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992;

adopts this twenty-third day of June of the year one thousand nine hundred and ninety-two the following Recommendation, which may be cited as the Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992.

I. Definitions and methods of application

1. (1) For the purposes of this Recommendation, the term *insolvency* refers to situations in which, in accordance with national law and practice, proceedings have been opened relating to an employer's assets with a view to the collective reimbursement of its creditors.

(2) For the purposes of this Recommendation, Members may extend the term "insolvency" to other situations in which workers' claims cannot be paid by reason of the financial situation of the employer, and in particular to the following:

- (a) where the enterprise has closed down or ceased its activities or is voluntarily wound up;
- (b) where the amount of the employer's assets is insufficient to justify the opening of insolvency proceedings;
- (c) where, in the course of proceedings to recover a worker's claim arising out of employment, it is found that the employer has no assets or that these are insufficient to pay the debt in question;
- (d) where the employer has died and his or her assets have been placed in the hands of an administrator and the amounts due cannot be paid out of the estate.

(3) The extent to which an employer's assets are subject to the proceedings referred to in subparagraph (1) should be determined by national laws, regulations or practice.

2. The provisions of this Recommendation may be applied by means of laws or regulations or by any other means consistent with national practice.

II. Protection of workers' claims by means of a privilege

Protected claims

3. (1) The protection afforded by a privilege should cover the following claims:

- (a) wages, overtime pay, commissions and other forms of remuneration relating to work performed during a prescribed period prior to the insolvency or prior to termination of the employment. This period should be fixed by national laws or regulations and should not be less than 12 months;
- (b) holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;
- (c) amounts due in respect of other types of paid absence, end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescribed period, which should not be less than 12 months, prior to the insolvency or prior to the termination of the employment;
- (d) payments due in lieu of notice of termination of employment;
- (e) severance pay, compensation for unfair dismissal and other payments due to workers upon termination of their employment;
- (f) compensation payable directly by the employer in respect of occupational accidents and diseases.

(2) The protection afforded by a privilege might cover the following claims:

- (a) contributions due in respect of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;
- (b) contributions due in respect of private, occupational, inter-occupational or enterprise social protection schemes independent of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;
- (c) benefits to which the workers were entitled prior to the insolvency by virtue of their participation in enterprise social protection schemes and which are payable by the employer.

(3) Claims enumerated in subparagraphs (1) and (2) that have been awarded to a worker through an adjudication or arbitration within 12 months prior to the insolvency should be covered by the privilege regardless of the time-limits specified in those subparagraphs.

Limitations

4. Where the amount of the claim protected by a privilege is limited by national laws or regulations, in order that this amount should not fall below a socially acceptable level it should take into account variables such as the minimum wage, the part of the wage which is unattachable, the wage on which social security contributions are based or the average wage in industry.

Claim which fall due after the insolvency proceedings have been opened

5. Where, in accordance with national laws and regulations, an enterprise in respect of which insolvency proceedings have been opened is authorised to continue its activities, workers' claims arising out of work performed as from the date when the continuation was authorised should not be subject to the proceedings and should be paid, out of the funds available, as and when they fall due.

Accelerated payment procedures

6. (1) Where the insolvency proceedings cannot ensure rapid payment of workers' privileged claims, there should be a procedure for accelerated payment to ensure that the claims are paid, without awaiting the end of the proceedings, out of available funds or as soon as funds become available, unless the rapid payment of workers' claims is ensured by a guarantee institution.

(2) Accelerated payment of workers' claims may be ensured as follows:

- (a) the person or institution responsible for administering the employer's assets should pay such claims as soon as it has been determined that they are genuine and payable;
- (b) if the claim is contested, the worker should be able to have its validity determined by a court or any other body with jurisdiction over the matter, so as to have it paid in accordance with clause (a).

(3) The accelerated payment procedure should cover the totality of the claim protected by a privilege, or at least a part of it to be fixed by national laws or regulations.

III. Protection of workers' claims by a guarantee institution

Scope

7. The protection of workers' claims by a guarantee institution should have as wide a coverage as possible.

Operating principles

8. Guarantee institutions might operate according to the following principles:

- (a) they should be administratively, financially and legally independent of the employer;
- (b) employers should contribute to financing these institutions, unless this is fully covered by the public authorities;
- (c) they should assume their obligations vis-à-vis protected workers irrespective of whether any obligation the employer may have of contributing to their financing has been met;
- (d) they should assume a subsidiary responsibility for the liabilities of insolvent employers in respect of claims protected by the guarantee and should, by way of subrogation, be able to act in place of the workers to whom they have made payments;
- (e) the funds managed by guarantee institutions, other than those from general revenues, may only be used for the purpose for which they were collected.

Claims protected by the guarantee

9. (1) The guarantee should cover the following claims:

- (a) wages, overtime pay, commissions and other forms of remuneration relating to work performed during a prescribed period, which should not be less than three months, prior to the insolvency or prior to the termination of the employment;
- (b) holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;
- (c) end-of-year and other bonuses provided for by national laws or regulations, collective agreements or individual contracts of employment, relating to a prescribed period, which should not be less than 12 months, prior to the insolvency or prior to the termination of the employment;
- (d) amounts due in respect of other types of paid absence relating to a prescribed period, which should not be less than three months, prior to the insolvency or prior to the termination of the employment;
- (e) payments due in lieu of notice of termination of employment;
- (f) severance pay, compensation for unfair dismissal and other payments due to workers upon termination of their employment;
- (g) compensation payable directly by the employer in respect of occupational accidents and diseases.

(2) The guarantee might cover the following claims:

- (a) contributions due in respect of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;
- (b) contributions due in respect of private, occupational, inter-occupational, or enterprise social protection schemes independent of national statutory social security schemes, where failure to pay adversely affects workers' entitlements;
- (c) benefits to which the workers were entitled prior to the insolvency by virtue of their participation in enterprise social protection schemes and which are payable by the employer;
- (d) wages or any other form of remuneration consistent with this Paragraph, awarded to a worker through adjudication or arbitration within three months prior to the insolvency.

Limitations

10. Where the amount of the claim protected by means of a guarantee institution is limited, in order that this amount should not fall below a socially acceptable level, it should take into account variables such as the minimum wage, the part of the wage which is unattachable, the wage on which social security contributions are based or the average wage in industry.

IV. Provisions common to parts II and III

11. Workers or their representatives should receive timely information and be consulted with regard to insolvency proceedings which have been opened and to which the workers' claims pertain.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	14 June 1930	Geneva, ILC 11th Session (16 June 1928)	104 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eleventh Session on 30 May 1928, and

Having decided upon the adoption of certain proposals with regard to minimum wage-fixing machinery, which is the first item on the agenda of the Session, and

Having determined that these proposals should take the form of an international Convention,

adopts this sixteenth day of June of the year one thousand nine hundred and twenty-eight the following Convention, which may be cited as the Minimum Wage Fixing Machinery Convention, 1928, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

2. For the purpose of this Convention, the term *trades* includes manufacture and commerce.

Article 2

Each Member which ratifies this Convention shall be free to decide, after consultation with the organisations, if any, of workers and employers in the trade or part of trade concerned, in which trades or parts of trades, and in particular in which home working trades or parts of such trades, the minimum wage-fixing machinery referred to in Article 1 shall be applied.

Article 3

1. Each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage-fixing machinery, and the methods to be followed in its operation:

2. Provided that:

(1) before the machinery is applied in a trade or part of trade, representatives of the employers and workers concerned, including representatives of their respective organisations, if any, shall be consulted as well as any other persons, being specially qualified for the purpose by their trade or functions, whom the competent authority deems it expedient to consult;

(2) the employers and workers concerned shall be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by national laws or regulations;

(3) minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement by them by individual agreement, nor, except with general or particular authorisation of the competent authority, by collective agreement.

Article 4

1. Each Member which ratifies this Convention shall take the necessary measures, by way of a system of supervision and sanctions, to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable.

2. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other legalised proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by national laws or regulations.

Article 5

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement giving a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

Minimum Wage Fixing Machinery Recommendation, 1928 (No. 30)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 11th Session (16 June 1928)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eleventh Session on 30 May 1928, and

Having decided upon the adoption of certain proposals with regard to minimum wage-fixing machinery, which is the first item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this sixteenth day of June of the year one thousand nine hundred twenty-eight, the following Recommendation, which may be cited as the Minimum Wage Fixing Machinery Recommendation, 1928, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

A

The General Conference of the International Labour Organisation,

Having adopted a Convention concerning the creation of minimum wage-fixing machinery, and

Desiring to supplement this Convention by putting on record for the guidance of the Members certain general principles which, as present practice and experience show, produce the most satisfactory results,

Recommends that each Member should take the following principles and rules into consideration:

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1. In order to ensure that each Member ratifying the Convention is in possession of the information necessary for a decision upon the application of minimum wage-fixing machinery, the wages actually paid and the arrangements, if any, for the regulation of wages should be ascertained in respect of any trade or part of trade to which employers or workers therein request the application of the machinery and furnish information which shows *prima facie* that no arrangements exist for the effective regulation of wages and that wages are exceptionally low.

2. Without prejudice to the discretion left to the Members by the Convention to decide in which trades or parts of trades in their respective countries it is expedient to apply minimum wage-fixing machinery, special regard might usefully be had to trades or parts of trades in which women are ordinarily employed.

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1. The minimum wage-fixing machinery, whatever form it may take (for instance, trade boards for individual trades, general boards for groups of trades, compulsory arbitration tribunals), should operate by way of investigation into the relevant conditions in the trade or part of trade concerned and consultation with the interests primarily and principally affected, that is to say, the employers and workers in the trade or part of trade, whose views on all matters relating to the fixing of the minimum rates of wages should in any case be solicited and be given full and equal consideration.

2.

- (a) To secure greater authority for the rates that may be fixed, it should be the general policy that the employers and workers concerned, through representatives equal in number or having equal voting strength, should jointly take a direct part in the deliberations and decisions of the wage-fixing body; in any case, where representation is accorded to one side, the other side should be represented on the same footing. The wage-fixing body should also include one or more independent persons whose votes can ensure effective decisions being reached in the event of the votes of the employers' and workers' representatives being equally divided. Such independent persons should, as far as possible, be selected in agreement with or after consultation with the employers' and workers' representatives on the wage-fixing body.
- (b) In order to ensure that the employers' and workers' representatives shall be persons having the confidence of those whose interests they respectively represent, the employers and workers concerned should be given a voice as far as is practicable in the circumstances in the selection of their representatives, and if any organisations of the employers and workers exist these should in any case be invited to submit names of persons recommended by them for appointment on the wage-fixing body.
- (c) The independent person or persons mentioned in paragraph (a) should be selected from among men or women recognised as possessing the necessary qualifications for their duties and as being dissociated from any interest in the trade or part of trade concerned which might be calculated to put their impartiality in question.
- (d) Wherever a considerable proportion of women are employed, provision should be made as far as possible for the inclusion of women among the workers' representatives and of one or more women among the independent persons mentioned in paragraph (a).

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For the purpose of determining the minimum rates of wages to be fixed, the wage-fixing body should in any case take account of the necessity of enabling the workers concerned to maintain a suitable standard of living. For this purpose regard should primarily be had to the rates of wages being paid for similar work in trades where the workers are adequately organised and have concluded effective collective agreements, or, if no such standard of reference is available in the circumstances, to the general level of wages prevailing in the country or in the particular locality.

Provision should be made for the review of the minimum rates of wages fixed by the wage-fixing bodies when this is desired by the workers or employers who are members of such bodies.

IV

For effectively protecting the wages of the workers concerned and safeguarding the employers affected against the possibility of unfair competition, the measures to be taken to ensure that wages are not paid at less than the minimum rates which have been fixed should include:

- (a) arrangements for informing the employers and workers of the rates in force;
- (b) official supervision of the rates actually being paid; and
- (c) penalties for infringements of the rates in force and measures for preventing such infringements.

1. In order that the workers, who are less likely than the employers to have their own means of acquainting themselves with the wage-fixing body's decisions, may be kept informed of the minimum rates at which they are to be paid, employers might be required to display full statements of the rates in force in readily accessible positions on the premises where the workers are employed, or in the case of home workers on the premises where the work is given out or returned on completion or wages paid.

2. A sufficient staff of inspectors should be employed, with powers analogous to those proposed for factory inspectors in the Recommendation concerning the general principles for the organisation of systems of inspection adopted by the General Conference in 1923, to make investigations among the employers and workers concerned with a view to ascertaining whether the minimum rates in force are in fact being paid and taking such steps as may be authorised to deal with infringements of the rates. As a means of enabling the inspectors adequately to carry out these duties, employers might be required to keep complete and authentic records of the wages paid by them, or in the case of home workers to keep a list of the workers with their addresses and provide them with wage books or other similar record containing such particulars as are necessary to ascertain if the wages actually paid correspond to the rates in force.

3. In cases where the workers are not in general in a position individually to enforce, by judicial or other legalised proceedings, their rights to recover wages due at the minimum rates in force, such other measures should be provided as may be considered effective for preventing infringements of the rates.

B

The General Conference of the International Labour Organisation thinks it right to call the attention of Governments to the principle affirmed by Article 41 of the Constitution of the International Labour Organisation that men and women should receive equal remuneration for work of equal value. (Note: This Paragraph refers to the Constitution of the International Labour Organisation prior to its amendment in 1946. In the Constitution as amended in 1946 a reference to equal remuneration appears in the Preamble.)

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	23 Aug 1953	Geneva, ILC 34th Session (28 June 1951)	53 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery in agriculture, which is the eighth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-one the following Convention, which may be cited as the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.

2. Each Member which ratifies this Convention shall be free to determine, after consultation with the most representative organisations of employers and workers concerned, where such exist, to which undertakings, occupations and categories of persons the minimum wage fixing machinery referred to in the preceding paragraph shall be applied.

3. The competent authority may exclude from the application of all or any of the provisions of this Convention categories of persons whose conditions of employment render such provisions inapplicable to them, such as members of the farmer's family employed by him.

Article 2

1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of minimum wages in the form of allowances in kind in cases in which payment in the form of such allowances is customary or desirable.

2. In cases in which partial payment of minimum wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that:

- (a) such allowances are appropriate for the personal use and benefit of the worker and his family; and
- (b) the value attributed to such allowances is fair and reasonable.

Article 3

1. Each Member which ratifies this Convention shall be free to decide, subject to the conditions stated in the following paragraphs, the nature and form of the minimum wage fixing machinery, and the methods to be followed in its operation.

2. Before a decision is taken there shall be full preliminary consultation with the most representative organisations of employers and workers concerned, where such exist, and with any other persons specially qualified by their trade or functions whom the competent authority deems it useful to consult.

3. The employers and workers concerned shall take part in the operation of the minimum wage fixing machinery, or be consulted or have the right to be heard, in such manner and to such extent as may be determined by national laws or regulations but in any case on a basis of complete equality.

4. Minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement.

5. The competent authority may permit exceptions to the minimum wage rates in individual cases, where necessary, to prevent curtailment of the opportunities of employment of physically or mentally handicapped workers.

Article 4

1. Each Member which ratifies this Convention shall take the necessary measures to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable; these measures shall include such provision for supervision, inspection, and sanctions as may be necessary and appropriate to the conditions obtaining in agriculture in the country concerned.

2. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other appropriate proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by national laws or regulations.

Article 5

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement indicating the methods and the results of the application of the machinery and, in summary form, the occupations and approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 34th Session (28 June 1951)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery in agriculture, which is the eighth item on the agenda of the session, and

Having decided that these proposals shall take the form of a Recommendation supplementing the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951,

adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-one, the following Recommendation, which may be cited as the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951:

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I

1. For the purpose of determining minimum rates of wages to be fixed it is desirable that the wage fixing body should in any case take account of the necessity of enabling the workers concerned to maintain a suitable standard of living.

2. Among the factors which should be taken into consideration in the fixing of minimum wage rates are the following: the cost of living, fair and reasonable value of services rendered, wages paid for similar or comparable work under collective bargaining agreements in agriculture, and the general level of wages for work of a comparable skill in other industries in the area where the workers are sufficiently organised.

II

3. Whatever form it may assume, the minimum wage fixing machinery in agriculture should operate by way of investigation into conditions in agriculture and related occupations, and consultation with the parties who are primarily and principally concerned, namely employers and workers, or their most representative organisations, where such exist. The opinion of both parties should be sought on all questions concerning minimum wage fixing and full and equal consideration given to their opinion.

4. To secure greater authority for the rates that may be fixed, in cases where the machinery adopted for fixing minimum wages makes it possible, the workers and employers concerned should be enabled to participate directly and on an equal footing in the operation of such machinery through their representatives, who should be equal in number or in any case have an equal number of votes.

5. In order that the employers' and workers' representatives should enjoy the confidence of those whose interest they respectively represent, in the case referred to in Paragraph 4 above, the employers and workers concerned should have the right, in so far as circumstances permit, to participate in the nomination of the representatives, and if any organisations of employers and workers exist, these should in any case be invited to submit names of persons recommended by them for appointment on the wage fixing body.

6. In the case where the machinery for minimum wage fixing provides for the participation of independent persons, whether for arbitration or otherwise, these should be chosen from among men or women who are recognised as possessing the necessary qualifications for their duties and who have no such interest in agriculture or in any branch thereof as would give rise to doubt as to their impartiality.

III

7. Provision should be made for a procedure for revising minimum wage rates at appropriate intervals.

IV

8. For effectively protecting the wages of the workers concerned, the measures to be taken to ensure that wages are not paid at less than the minimum rates which have been fixed should include:

- (a) arrangements for giving publicity to the minimum wage rates in force, and in particular for informing the employers and workers concerned of these rates in the manner most appropriate to national circumstances;
- (b) official supervision of the rates actually being paid; and
- (c) penalties for infringements of the rates in force and measures for preventing such infringements.

9. A sufficient number of qualified inspectors, with powers analogous to those provided for in the Labour Inspection Convention, 1947, should be employed; these inspectors should make investigations among the employers and workers concerned with a view to ascertaining whether the wages

actually paid are in conformity with the minimum rates in force and, if need be, should take such steps as may be authorised in the case of infringement of the rate fixed.

10. In order to enable the inspectors to carry out their duties efficiently, employers should, where appropriate or necessary in the opinion of the competent authority, be required to keep complete and authentic records of the wages paid by them, and might also be required to issue the workers pay books or similar documents containing the information necessary for verifying whether the wages actually paid correspond to the rates in force.

11. In cases where the workers are not in general in a position individually to enforce, by judicial or appropriate proceedings, their rights to recover wages due at the minimum rates in force, such other measures should be provided as may be considered effective for this purpose.

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1. Hours of work, weekly rest and paid leave¹

Weekly Rest (Industry) Convention, 1921 (No. 14)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	19 June 1923	Geneva, ILC 3rd Session (17 Nov 1921)	119

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the weekly rest day in industrial employment, which is included in the seventh item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Weekly Rest (Industry) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term *industrial undertaking* includes:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. This definition shall be subject to the special national exceptions contained in the Washington Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, so far as such exceptions are applicable to the present Convention.

1. 1) Outdated instruments: Holidays with Pay Convention, 1936 (No. 52); Holidays with Pay Recommendation, 1936 (No. 47); Holidays with Pay (Agriculture) Convention, 1952 (No. 101); Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93). 2) Shelved conventions: Sheet-Glass Works Convention, 1934 (No. 43); Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49); Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67). 3) Withdrawn instruments: Hours of Work (Coal Mines) Convention, 1931 (No. 31); Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46); Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51); Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61); Weekly Rest (Commerce) Recommendation, 1921 (No. 18); Utilisation of Spare Time Recommendation, 1924 (No. 21); Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37); Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38); Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39); Control Books (Road Transport) Recommendation, 1939 (No. 63); Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65); Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66).

3. Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

Article 2

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

Article 3

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

Article 4

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

Article 5

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

Article 6

1. Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

2. The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

Article 7

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged:

- (a) where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government;
- (b) where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	4 Mar 1959	Geneva, ILC 40th Session (26 June 1957)	63

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to weekly rest in commerce and offices, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Weekly Rest (Commerce and Offices) Convention, 1957:

Article 1

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of statutory wage fixing machinery, collective agreements, arbitration awards or in such other manner consistent with national practice as may be appropriate under national conditions, be given effect by national laws or regulations.

Article 2

This Convention applies to all persons, including apprentices, employed in the following establishments, institutions or administrative services, whether public or private:

- (a) trading establishments;
- (b) establishments, institutions and administrative services in which the persons employed are mainly engaged in office work, including offices of persons engaged in the liberal professions;
- (c) in so far as the persons concerned are not employed in establishments referred to in Article 3 and are not subject to national regulations or other arrangements concerning weekly rest in industry, mines, transport or agriculture:
 - (i) the trading branches of any other establishments;
 - (ii) the branches of any other establishments in which the persons employed are mainly engaged in office work;
 - (iii) mixed commercial and industrial establishments.

Article 3

1. This Convention shall also apply to persons employed in such of the following establishments as the Member ratifying the Convention may specify in a declaration accompanying its ratification:

- (a) establishments, institutions and administrative services providing personal services;
- (b) post and telecommunications services;
- (c) newspaper undertakings; and
- (d) theatres and places of public entertainment.

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration accepting the

obligations of the Convention in respect of establishments referred to in the preceding paragraph which are not already specified in a previous declaration.

3. Each Member which has ratified this Convention shall indicate in its annual reports under Article 22 of the Constitution of the International Labour Organisation to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such establishments referred to in paragraph 1 of this Article as are not covered in virtue of a declaration made in conformity with paragraphs 1 or 2 of this Article, and any progress which may have been made with a view to the progressive application of the Convention in such establishments.

Article 4

1. Where necessary, appropriate arrangements shall be made to define the line which separates the establishments to which this Convention applies from other establishments.

2. In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Convention applies, the question shall be settled either by the competent authority after consultation with the representative organisations of employers and workers concerned, where such exist, or in any other manner which is consistent with national law and practice.

Article 5

Measures may be taken by the competent authority or through the appropriate machinery in each country to exclude from the provisions of this Convention:

- (a) establishments in which only members of the employer's family who are not or cannot be considered to be wage earners are employed;
- (b) persons holding high managerial positions.

Article 6

1. All persons to whom this Convention applies shall, except as otherwise provided by the following Articles, be entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days.

2. The weekly rest period shall, wherever possible, be granted simultaneously to all the persons concerned in each establishment.

3. The weekly rest period shall, wherever possible, coincide with the day of the week established as a day of rest by the traditions or customs of the country or district.

4. The traditions and customs of religious minorities shall, as far as possible, be respected.

Article 7

1. Where the nature of the work, the nature of the service performed by the establishment, the size of the population to be served, or the number of persons employed is such that the provisions of Article 6 cannot be applied, measures may be taken by the competent authority or through the appropriate machinery in each country to apply special weekly rest schemes, where appropriate, to specified categories of persons or specified types of establishments covered by this Convention, regard being paid to all proper social and economic considerations.

2. All persons to whom such special schemes apply shall be entitled, in respect of each period of seven days, to rest of a total duration at least equivalent to the period provided for in Article 6

3. Persons working in branches of establishments subject to special schemes, which branches would, if independent, be subject to the provisions of Article 6, shall be subject to the provisions of that Article.

4. Any measures regarding the application of the provisions of paragraphs 1, 2 and 3 of this Article shall be taken in consultation with the representative employers' and workers' organisations concerned, where such exist.

Article 8

1. Temporary exemptions, total or partial (including the suspension or reduction of the rest period), from the provisions of Articles 6 and 7 may be granted in each country by the competent authority or in any other manner approved by the competent authority which is consistent with national law and practice:

- (a) in case of accident, actual or threatened, force majeure or urgent work to premises and equipment, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment;
- (b) in the event of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures;
- (c) in order to prevent the loss of perishable goods.

2. In determining the circumstances in which temporary exemptions may be granted in accordance with the provisions of subparagraphs (b) and (c) of the preceding paragraph, the representative employers' and workers' organisations concerned, where such exist, shall be consulted.

3. Where temporary exemptions are made in accordance with the provisions of this Article, the persons concerned shall be granted compensatory rest of a total duration at least equivalent to the period provided for under Article 6

Article 9

In so far as wages are regulated by laws and regulations or subject to the control of administrative authorities, there shall be no reduction of the income of persons covered by this Convention as a result of the application of measures taken in accordance with the Convention.

Article 10

1. Appropriate measures shall be taken to ensure the proper administration of regulations or provisions concerning the weekly rest, by means of adequate inspection or otherwise.

2. Where it is appropriate to the manner in which effect is given to the provisions of this Convention, the necessary measures in the form of penalties shall be taken to ensure the enforcement of its provisions.

Article 11

Each Member which ratifies this Convention shall include in its annual reports under Article 22 of the Constitution of the International Labour Organisation:

- (a) lists of the categories of persons and the types of establishment subject to special weekly rest schemes as provided for in Article 7; and
- (b) information concerning the circumstances in which temporary exemptions may be granted in accordance with the provisions of Article 8

Article 12

None of the provisions of this Convention shall affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention.

Article 13

The provisions of this Convention may be suspended in any country by the government in the event of war or other emergency constituting a threat to the national safety.

Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 40th Session (26 June 1957)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to weekly rest in commerce and offices, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Weekly Rest (Commerce and Offices) Convention, 1957,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven, the following Recommendation, which may be cited as the Weekly Rest (Commerce and Offices) Recommendation, 1957:

Whereas the Weekly Rest (Commerce and Offices) Convention, 1957, provides for weekly rest in commercial establishments and offices and it is desirable to supplement the provisions thereof;

The Conference recommends that the following provisions should be applied:

1. The persons to whom the Weekly Rest (Commerce and Offices) Convention, 1957, applies should as far as possible be entitled to a weekly rest of not less than 36 hours which, wherever practicable, should be an uninterrupted period.

2. The weekly rest provided for by Article 6 of the Weekly Rest (Commerce and Offices) Convention, 1957, should, wherever practicable, be so calculated as to include the period from midnight to midnight and should not include other rest periods immediately preceding or following the period from midnight to midnight.

3. Special rest schemes provided for by Article 7 of the Weekly Rest (Commerce and Offices) Convention, 1957, should ensure:

- (a) that persons to whom such special schemes apply do not work for more than three weeks without receiving the rest periods to which they are entitled; and
- (b) that, where it is not possible to grant rest periods of 24 consecutive hours, rest periods comprise not less than 12 hours of uninterrupted rest.

4. (1) Young persons under 18 years of age should, wherever practicable, be granted an uninterrupted weekly rest of two days.

(2) The provisions of Article 8 of the Weekly Rest (Commerce and Offices) Convention, 1957, should not be applied to young persons under 18 years of age.

5. In any establishment in which the weekly rest period for any of the persons employed is other than the period established by national practice, the persons concerned should be notified of the days and hours of weekly rest by means of notices posted up conspicuously in the establishment or other convenient place, or in any other manner consistent with national law and practice.

6. Appropriate measures should be taken to ensure the maintenance of such records as may be necessary for the proper administration of weekly rest arrangements and in particular of records of the arrangements made with respect to:

- (a) persons to whom a special weekly rest scheme applies in accordance with the provisions of Article 7 of the Weekly Rest (Commerce and Offices) Convention, 1957;
- (b) persons to whom the temporary exemptions provided for in Article 8 of the Weekly Rest (Commerce and Offices) Convention, 1957, apply.

7. In cases in which Article 9 of the Weekly Rest (Commerce and Offices) Convention, 1957, is inapplicable because wages are not regulated by laws and regulations or subject to the control of administrative authorities, provision should be made by collective agreements or otherwise to ensure that the application of measures taken in accordance with the Convention does not result in reduction of the income of persons covered by the Convention.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	28 Feb 1998	Geneva, ILC 81st Session (24 June 1994)	14

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Noting the relevance, for part-time workers, of the provisions of the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958, and the Workers with Family Responsibilities Convention and Recommendation, 1981, and

Noting the relevance for these workers of the Employment Promotion and Protection against Unemployment Convention, 1988, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, and

Recognizing the importance of productive and freely chosen employment for all workers, the economic importance of part-time work, the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities, and the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Convention, which may be cited as the Part-Time Work Convention, 1994:

Article 1

For the purposes of this Convention:

- (a) the term *part-time worker* means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;
- (c) the term *comparable full-time worker* refers to a full-time worker who:
 - (i) has the same type of employment relationship;
 - (ii) is engaged in the same or a similar type of work or occupation; and
 - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,

as the part-time worker concerned;

- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

Article 2

This Convention does not affect more favourable provisions applicable to part-time workers under other international labour Conventions.

Article 3

1. This Convention applies to all part-time workers, it being understood that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

2. Each Member having ratified this Convention which avails itself of the possibility afforded in the preceding paragraph shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

Article 4

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

- (a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;
- (b) occupational safety and health;
- (c) discrimination in employment and occupation.

Article 5

Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, solely because they work part time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of comparable full-time workers, calculated according to the same method.

Article 6

Statutory social security schemes which are based on occupational activity shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hours of work, contributions or earnings, or through other methods consistent with national law and practice.

Article 7

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

- (a) maternity protection;
- (b) termination of employment;
- (c) paid annual leave and paid public holidays; and
- (d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

Article 8

1. Part-time workers whose hours of work or earnings are below specified thresholds may be excluded by a Member:

- (a) from the scope of any of the statutory social security schemes referred to in Article 6, except in regard to employment injury benefits;
- (b) from the scope of any of the measures taken in the fields covered by Article 7, except in regard to maternity protection measures other than those provided under statutory social security schemes.

2. The thresholds referred to in paragraph 1 shall be sufficiently low as not to exclude an unduly large percentage of part-time workers.

3. A Member which avails itself of the possibility provided for in paragraph 1 above shall:

- (a) periodically review the thresholds in force;
- (b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and whether consideration is being given to the progressive extension of protection to the workers excluded.

4. The most representative organizations of employers and workers shall be consulted on the establishment, review and revision of the thresholds referred to in this Article.

Article 9

1. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection referred to in Articles 4 to 7 is ensured.

2. These measures shall include:

- (a) the review of laws and regulations that may prevent or discourage recourse to or acceptance of part-time work;
- (b) the use of employment services, where they exist, to identify and publicize possibilities for part-time work in their information and placement activities;
- (c) special attention, in employment policies, to the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and workers undergoing education or training.

3. These measures may also include research and dissemination of information on the degree to which part-time work responds to the economic and social aims of employers and workers.

Article 10

Where appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary, in accordance with national law and practice.

Article 11

The provisions of this Convention shall be implemented by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers shall be consulted before any such laws or regulations are adopted.

Part-Time Work Recommendation, 1994 (No. 182)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 81st Session (24 June 1994)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Part-Time Work Convention, 1994;

adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Recommendation, which may be cited as the Part-Time Work Recommendation, 1994:

1. The provisions of this Recommendation should be considered in conjunction with those of the Part-Time Work Convention, 1994 (hereafter referred to as “the Convention”).

2. For the purposes of this Recommendation:

- (a) the term “part-time worker” means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in clause (a) may be calculated weekly or on average over a given period of employment;
- (c) the term “comparable full-time worker “ refers to a full-time worker who:
 - (i) has the same type of employment relationship;
 - (ii) is engaged in the same or a similar type of work or occupation; and
 - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,
 as the part-time worker concerned;
- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

3. This Recommendation applies to all part-time workers.

4. In accordance with national law and practice, employers should consult the representatives of the workers concerned on the introduction or extension of part-time work on a broad scale, on the rules and procedures applying to such work and on the protective and promotional measures that may be appropriate.

5. Part-time workers should be informed of their specific conditions of employment in writing or by any other means consistent with national law and practice.

6. The adaptations to be made in accordance with Article 6 of the Convention to statutory social security schemes which are based on occupational activity should aim at:

- (a) if appropriate, progressively reducing threshold requirements based on earnings or hours of work as a condition for coverage by these schemes;
- (b) as appropriate, granting to part-time workers minimum or flat-rate benefits, in particular old-age, sickness, invalidity and maternity benefits, as well as family allowances;
- (c) accepting in principle that part-time workers whose employment has come to an end or been suspended and who are seeking only part-time employment meet the condition of availability for work required for the payment of unemployment benefits;

- (d) reducing the risk that part-time workers may be penalized by schemes which:
- (i) subject the right to benefits to a qualifying period, expressed in terms of periods of contribution, of insurance or of employment during a given reference period; or
 - (ii) fix the amount of benefits by reference both to the average of former earnings and to the length of the periods of contribution, of insurance or of employment.

7. (1) Where appropriate, threshold requirements for access to coverage under private occupational schemes which supplement or replace statutory social security schemes should be progressively reduced to allow part-time workers to be covered as widely as possible.

(2) Part-time workers should be protected by such schemes under conditions equivalent to those of comparable full-time workers. Where appropriate, these conditions may be determined in proportion to hours of work, contributions or earnings.

8. (1) As appropriate, threshold requirements based on hours of work or earnings as specified under Article 8 of the Convention in the fields referred to in its Article 7 should be progressively reduced.

(2) The periods of service required as a condition for protection in the fields referred to in Article 7 of the Convention should not be longer for part-time workers than for comparable full-time workers.

9. Where part-time workers have more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in statutory social security schemes which are based on occupational activity.

10. Part-time workers should benefit on an equitable basis from financial compensation, additional to basic wages, which is received by comparable full-time workers.

11. All appropriate measures should be taken to ensure that as far as practicable part-time workers have access on an equitable basis to the welfare facilities and social services of the establishment concerned; these facilities and services should, to the extent possible, be adapted to take into account the needs of part-time workers.

12. (1) The number and scheduling of hours of work of part-time workers should be established taking into account the interests of the worker as well as the needs of the establishment.

(2) As far as possible, changes in the agreed work schedule and work beyond scheduled hours should be subject to restrictions and to prior notice.

(3) The system of compensation for work beyond the agreed work schedule should be subject to negotiations in accordance with national law and practice.

13. In accordance with national law and practice, part-time workers should have access on an equitable basis, and as far as possible under equivalent conditions, to all forms of leave available to comparable full-time workers, in particular paid educational leave, parental leave and leave in cases of illness of a child or another member of a worker's immediate family.

14. Where appropriate, the same rules should apply to part-time workers as to comparable full-time workers with respect to scheduling of annual leave and work on customary rest days and public holidays.

15. Where appropriate, measures should be taken to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.

16. Provisions of statutory social security schemes based on occupational activity that may discourage recourse to or acceptance of part-time work should be adapted, in particular those which:

- (a) result in proportionately higher contributions for part-time workers unless these are justified by corresponding proportionately higher benefits;
- (b) without reasonable grounds, significantly reduce the unemployment benefits of unemployed workers who temporarily accept part-time work;
- (c) overemphasize, in the calculation of old-age benefits, the reduced income from part-time work undertaken solely during the period preceding retirement.

17. Measures should be considered by employers to facilitate access to part-time work at all levels of the enterprise, including skilled and managerial positions where appropriate.

18. (1) Where appropriate, employers should give consideration to:

- (a) requests by workers for transfer from full-time to part-time work that becomes available in the enterprise; and
- (b) requests by workers for transfer from part-time to full-time work that becomes available in the enterprise.

(2) Employers should provide timely information to the workers on the availability of part-time and full-time positions in the establishment, in order to facilitate transfers from full-time to part-time work or vice versa.

19. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself constitute a valid reason for termination of employment, without prejudice to termination, in accordance with national law and practice, for other reasons such as may arise from the operational requirements of the establishment concerned.

20. Where national or establishment-level conditions permit, workers should be enabled to transfer to part-time work in justified cases, such as pregnancy or the need to care for a young child or a disabled or sick member of a worker's immediate family, and subsequently to return to full-time work.

21. Where obligations on employers depend on the number of the workers they employ, part-time workers should be counted as full-time workers. Nevertheless, where appropriate, part-time workers may be counted proportionately to their hours of work, it being understood that where such obligations refer to the protection mentioned in Article 4 of the Convention, they should be counted as full-time workers.

22. Information should be disseminated on the protective measures that apply to part-time work and on practical arrangements for various part-time work schemes.

Reduction of Hours of Work Recommendation, 1962 (No. 116)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 46th Session (26 June 1962)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals with regard to hours of work, which is the ninth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation designed to supplement and facilitate the implementation of the existing international instruments concerning hours of work:

by indicating practical measures for the progressive reduction of hours of work, taking into account the different economic and social conditions in the different countries as well as the variety of national practices for the regulation of hours and other conditions of work;

by outlining in broad terms methods whereby such practical measures might be applied; and

by indicating the standard of the forty-hour week, which principle is set out in the Forty-Hour Week Convention, 1935, as a social standard to be reached by stages if necessary, and setting a maximum limit to normal hours of work, pursuant to the Hours of Work (Industry) Convention, 1919,

adopts this twenty-sixth day of June of the year one thousand nine hundred and sixty-two, the following Recommendation, which may be cited as the Reduction of Hours of Work Recommendation, 1962:

I. General principles

1. Each Member should formulate and pursue a national policy designed to promote by methods appropriate to national conditions and practice and to conditions in each industry the adoption of the principle of the progressive reduction of normal hours of work in conformity with Paragraph 4.

2. Each Member should, by means appropriate to the methods which are in operation or which may be introduced for the regulation of hours of work, promote and, in so far as is consistent with national conditions and practice, ensure the application of the principle of the progressive reduction of normal hours of work in conformity with Paragraph 4.

3. The principle of the progressive reduction of normal hours of work may be given effect through laws or regulations, collective agreements, or arbitration awards, by a combination of these various means, or in any other manner consistent with national practice, as may be most appropriate to national conditions and to the needs of each branch of activity.

4. Normal hours of work should be progressively reduced, when appropriate, with a view to attaining the social standard indicated in the Preamble of this Recommendation without any reduction in the wages of the workers as at the time hours of work are reduced.

5. Where the duration of the normal working week exceeds forty-eight hours, immediate steps should be taken to bring it down to this level without any reduction in the wages of the workers as at the time hours of work are reduced.

6. Where normal weekly hours of work are either forty-eight or less, measures for the progressive reduction of hours of work in accordance with Paragraph 4 should be worked out and implemented in a manner suited to the particular national circumstances and the conditions in each sector of economic activity.

7. Such measures should take into account:

- (a) the level of economic development attained and the extent to which the country is in a position to bring about a reduction in hours of work without reducing total production or productivity, endangering its economic growth, the development of new industries or its competitive position in international trade, and without creating inflationary pressures which would ultimately reduce the real income of the workers;
- (b) the progress achieved and which it is possible to achieve in raising productivity by the application of modern technology, automation and management techniques;
- (c) the need in the case of countries still in the process of development for improving the standards of living of their peoples; and
- (d) the preferences of employers' and workers' organisations in the different branches of activity concerned as to the manner in which the reduction in working hours might be brought about.

8. (1) The principle of the progressive reduction of normal hours of work, as expressed in Paragraph 4, may be applied by stages which need not be determined at the international level.

(2) Such stages may include:

- (a) stages spaced over time;
- (b) stages, progressively encompassing branches or sectors of the national economy;
- (c) a combination of the two preceding arrangements; or
- (d) such other arrangements as may be most appropriate to national circumstances and to conditions in each sector of economic activity.

9. In carrying out measures for progressively reducing hours of work, priority should be given to industries and occupations which involve a particularly heavy physical or mental strain or health risks for the workers concerned, particularly where these consist mainly of women and young persons.

10. Each Member should communicate to the Director-General of the International Labour Office, at appropriate intervals, information on the results obtained in the application of the provisions of this Recommendation with all such details as may be asked for by the Governing Body of the International Labour Office.

II. Methods of application

A. Definition

11. Normal hours of work shall mean, for the purpose of this Recommendation, the number of hours fixed in each country by or in pursuance of laws or regulations, collective agreements or arbitration awards, or, where not so fixed, the number of hours in excess of which any time worked is remunerated at overtime rates or forms an exception to the recognised rules or custom of the establishment or of the process concerned.

B. Determination of hours of work

12. (1) The calculation of normal hours of work as an average over a period longer than one week should be permitted when special conditions in certain branches of activity or technical needs justify it.

(2) The competent authority or body in each country should fix the maximum length of the period over which the hours of work may be averaged.

13. (1) Special provisions may be formulated with regard to processes which, by reason of their nature, have to be carried on continuously by a succession of shifts.

(2) Such special provisions should be so formulated that normal hours of work as an average in continuous processes do not exceed in any case the normal hours of work fixed for the economic activity concerned.

C. Exceptions

14. The competent authority or body in each country should determine the circumstances and limits in which exceptions to the normal hours of work may be permitted:

- (a) permanently:
 - (i) in work which is essentially intermittent;
 - (ii) in certain exceptional cases required in the public interest;
 - (iii) in operations which for technical reasons must necessarily be carried on outside the limits laid down for the general working of the undertaking, part of the undertaking, or shift;
- (b) temporarily:
 - (i) in case of accident, actual or threatened;
 - (ii) in case of urgent work to be done to machinery or plant;
 - (iii) in case of force majeure;
 - (iv) in case of abnormal pressure of work;
 - (v) to make up time lost through collective stoppages of work due to accidents to materials, interruptions to the power supply, inclement weather, shortages of materials or transport facilities, and calamities;
 - (vi) in case of national emergency;
- (c) periodically:
 - (i) for annual stocktaking and the preparation of annual balance sheets;
 - (ii) for specified seasonal activities.

15. In cases where normal hours of work exceed forty-eight a week, the competent authority or body should, before authorising exceptions in the cases mentioned in subparagraphs (a) (i) and (iii), (b) (iv) and (v) and (c) (i) and (ii) of Paragraph 14, most carefully consider whether there is a real need for such exceptions.

D. Overtime

16. All hours worked in excess of the normal hours should be deemed to be overtime, unless they are taken into account in fixing remuneration in accordance with custom.

17. Except for cases of force majeure limits to the total number of hours of overtime which can be worked during a specified period should be determined by the competent authority or body in each country.

18. In arranging overtime, due consideration should be given to the special circumstances of young persons under 18 years of age, of pregnant women and nursing mothers and of handicapped persons.

19. (1) Overtime work should be remunerated at a higher rate or rates than normal hours of work.

(2) The rate or rates of remuneration for overtime should be determined by the competent authority or body in each country: Provided that in no case should the rate be less than that specified in Article 6, paragraph 2, of the Hours of Work (Industry) Convention, 1919.

E. Consultation of employers and workers

20. (1) The competent authority should make a practice of consulting the most representative employers' and workers' organisations on questions relating to the application of this Recommendation.

(2) In particular, there should be such consultation on the following matters in so far as they are left to the determination of the competent authority in each country:

- (a) the arrangements provided for in Paragraph 8;
- (b) the maximum length of the period over which hours of work may be averaged as provided for in Paragraph 12;
- (c) the provisions which may be made in pursuance of Paragraph 13 concerning processes which have to be carried on continuously by a succession of shifts;
- (d) the exceptions provided for in Paragraph 14;
- (e) the limitation and remuneration of overtime provided for in Paragraphs 17 and 19.

F. Supervision

21. For the effective enforcement of the measures taken to reduce hours of work progressively in pursuance of Paragraphs 4 and 5:

- (a) appropriate measures should be taken to ensure the proper administration of the provisions concerning hours of work by means of adequate inspection or otherwise;
- (b) the employer should be required to notify the workers concerned, by the posting of notices in the establishment or by such other methods as may be approved by the competent authority, of:
 - (i) the times at which work begins and ends;
 - (ii) where work is carried on by shifts, the time at which each shift begins and ends;
 - (iii) rest periods which are not included in the normal hours of work;
 - (iv) the days worked during the week;
- (c) the employer should be required to keep, and on request to produce for inspection, a record in a form acceptable to the competent authority of the hours of work, wages and overtime for each worker;
- (d) provision should be made for such sanctions as may be appropriate to the method by which effect is given to the provisions of this Recommendation.

G. General provisions

22. This Recommendation does not affect any law, regulation, award, custom, agreement, or negotiation between employers and workers which ensures, or aims at ensuring, more favourable conditions for the workers.

23. This Recommendation does not apply to agriculture, to maritime transport and to maritime fishing. Special provisions should be formulated for these branches of economic activity.

Hours of Work (Industry) Convention, 1919 (No. 1)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	13 June 1921	Washington, ILC 1st Session (28 Nov 1919)	52 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the “application of the principle of the 8-hours day or of the 48-hours week”, which is the first item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Hours of Work (Industry) Convention, 1919, for ratification by the Members of the International Labour Organisation, in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term *industrial undertaking* includes particularly:
 - (a) mines, quarries, and other works for the extraction of minerals from the earth;
 - (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;
 - (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
 - (d) transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.
2. The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.
3. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for:

- (a) the provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity;
- (b) where by law, custom, or agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours

may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour;

- (c) where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Article 3

The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of “force majeure”, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Article 4

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

Article 5

1. In exceptional cases where it is recognised that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

2. The average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed forty-eight.

Article 6

1. Regulations made by public authority shall determine for industrial undertakings:

- (a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent;
- (b) the temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

2. These regulations shall be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

Article 7

1. Each Government shall communicate to the International Labour Office:

- (a) a list of the processes which are classed as being necessarily continuous in character under Article 4;
- (b) full information as to working of the agreements mentioned in Article 5; and
- (c) full information concerning the regulations made under Article 6 and their application.

2. The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organisation.

Article 8

1. In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required:

- (a) to notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts, the hours at which each shift begins and ends; these hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government;
- (b) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;
- (c) to keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this Convention.

2. It shall be made an offence against the law to employ any person outside the hours fixed in accordance with paragraph (a), or during the intervals fixed in accordance with paragraph (b).

Article 9

In the application of this Convention to Japan the following modifications and conditions shall obtain:

- (a) the term “industrial undertaking” includes particularly:

the undertakings enumerated in paragraph (a) of Article 1;

the undertakings enumerated in paragraph (b) of Article 1, provided there are at least ten workers employed;

the undertakings enumerated in paragraph (c) of Article 1, in so far as these undertakings shall be defined as “factories” by the competent authority;

the undertakings enumerated in paragraph (d) of Article 1, except transport of passengers or goods by road, handling of goods at docks, quays, wharves, and warehouses, and transport by hand; and, regardless of the number of persons employed, such of the undertakings enumerated in paragraph (b) and (c) of Article 1 as may be declared by the competent authority either to be highly dangerous or to involve unhealthy processes.

- (b) the actual working hours of persons of fifteen years of age or over in any public or private industrial undertaking, or in any branch thereof, shall not exceed fifty-seven in the week, except that in the raw-silk industry the limit may be sixty hours in the week;
- (c) the actual working hours of persons under fifteen years of age in any public or private industrial undertaking, or in any branch thereof, and of all miners of whatever age engaged in underground work in the mines, shall in no case exceed forty-eight in the week;
- (d) the limit of hours of work may be modified under the conditions provided for in Articles 2, 3, 4 and 5 of this Convention, but in no case shall the length of such modification bear to the length of the basic week a proportion greater than that which obtains in those Articles;
- (e) a weekly rest period of twenty-four consecutive hours shall be allowed to all classes of workers;
- (f) the provision in Japanese factory legislation limiting its application to places employing fifteen or more persons shall be amended so that such legislation shall apply to places employing ten or more persons;

- (g) the provisions of the above paragraphs of this Article shall be brought into operation not later than 1 July 1922, except that the provisions of Article 4 as modified by paragraph (d) of this Article shall be brought into operation not later than 1 July 1923;
- (h) the age of fifteen prescribed in paragraph (c) of this Article shall be raised, not later than 1 July 1925, to sixteen.

Article 10

In British India the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the factory acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

Article 11

The provisions of this Convention shall not apply to China, Persia, and Siam, but provisions limiting the hours of work in these countries shall be considered at a future meeting of the General Conference.

Article 12

In the application of this Convention to Greece, the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July 1923, in the case of the following industrial undertakings:

- (1) carbon-bisulphide works,
- (2) acid works,
- (3) tanneries,
- (4) paper mills,
- (5) printing works,
- (6) sawmills,
- (7) warehouses for the handling and preparation of tobacco,
- (8) surface mining,
- (9) foundries,
- (10) lime works,
- (11) dye works,
- (12) glassworks (blowers),
- (13) gas works (firemen),
- (14) loading and unloading merchandise;

and to not later than 1 July 1924, in the case of the following industrial undertakings:

(1) mechanical industries: machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus;

(2) constructional industries: limekilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work;

(3) textile industries: spinning and weaving mills of all kinds, except dye works;

(4) food industries: flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops;

(5) chemical industries: manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen);

(6) leather industries: shoe factories, manufactories of leather goods;

(7) paper and printing industries: manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops;

(8) clothing industries: clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories;

(9) woodworking industries: joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories;

(10) electrical industries: power houses, shops for electrical installations;

(11) transportation by land: employees on railroads and street cars, firemen, drivers, and carters.

Article 13

In the application of this Convention to Rumania the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July 1924.

Article 14

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering the national safety.

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	29 Aug 1933	Geneva, ILC 14th Session (28 June 1930)	30 Denounced: 2

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulations of hours of work in commerce and offices, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Hours of Work (Commerce and Offices) Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

This Convention shall apply to persons employed in the following establishments, whether public or private:

- (a) commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments;
- (b) establishments and administrative services in which the persons employed are mainly engaged in office work;
- (c) mixed commercial and industrial establishments, unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line which separates commercial and trading establishments, and establishments in which the persons employed are mainly engaged in office work, from industrial and agricultural establishments.

2. The Convention shall not apply to persons employed in the following establishments:

- (a) establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit;
- (b) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses;
- (c) theatres and places of public amusement.

The Convention shall nevertheless apply to persons employed in branches of the establishments mentioned in (a), (b) and (c) of this paragraph in cases where such branches would, if they were independent undertakings, be included among the establishments to which the Convention applies.

3. It shall be open to the competent authority in each country to exempt from the application of the Convention:

- (a) establishments in which only members of the employer's family are employed;
- (b) offices in which the staff is engaged in connection with the administration of public authority;
- (c) persons occupying positions of management or employed in a confidential capacity;
- (d) travellers and representatives, in so far as they carry on their work outside the establishment.

Article 2

For the purpose of this Convention the term *hours of work* means the time during which the persons employed are at the disposal of the employer; it does not include rest periods during which the persons employed are not at the disposal of the employer.

Article 3

The hours of work of persons to whom this Convention applies shall not exceed forty-eight hours in the week and eight hours in the day, except as hereinafter otherwise provided.

Article 4

The maximum hours of work in the week laid down in Article 3 may be so arranged that hours of work in any day do not exceed ten hours.

Article 5

1. In case of a general interruption of work due to (a) local holidays, or (b) accidents or force majeure (accidents to plant, interruption of power, light, heating or water, or occurrences causing serious material damage to the establishments), hours of work in the day may be increased for the purpose of making up the hours of work which have been lost, provided that the following conditions are complied with:

- (a) hours of work which have been lost shall not be allowed to be made up on more than thirty days in the year and shall be made up within a reasonable lapse of time;
- (b) the increase in hours of work in the day shall not exceed one hour;
- (c) hours of work in the day shall not exceed ten.

2. The competent authority shall be notified of the nature, cause and date of the general interruption of work, of the number of hours of work which have been lost, and of the temporary alterations provided for in the working time-table.

Article 6

In exceptional cases where the circumstances in which the work has to be carried on make the provisions of Articles 3 and 4 inapplicable, regulations made by public authority may permit hours of work to be distributed over a period longer than the week, provided that the average hours of work over the number of weeks included in the period do not exceed forty-eight hours in the week and that hours of work in any day do not exceed ten hours.

Article 7

Regulations made by public authority shall determine:

1. The permanent exceptions which may be allowed for:
 - (a) certain classes of persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses; (b) classes of persons directly engaged in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the hours of work of the rest of the persons employed in the establishment;
 - (c) shops and other establishments where the nature of the work, the size of the population or the number of persons employed render inapplicable the working hours fixed in Articles 3 and 4.
2. The temporary exceptions which may be granted in the following cases:
 - (a) in case of accident, actual or threatened, force majeure, or urgent work to machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment;
 - (b) in order to prevent the loss of perishable goods or avoid endangering the technical results of the work;
 - (c) in order to allow for special work such as stocktaking and the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts;
 - (d) in order to enable establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

3. Save as regards paragraph 2 (a), the regulations made under this Article shall determine the number of additional hours of work which may be allowed in the day and, in respect of temporary exceptions, in the year.

4. The rate of pay for the additional hours of work permitted under paragraph 2 (b), (c) and (d) of this Article shall not be less than one-and-a-quarter times the regular rate.

Article 8

The regulations provided for in Articles 6 and 7 shall be made after consultation with the workers' and employers' organisations concerned, special regard being paid to collective agreements, if any, existing between such workers' and employers' organisations.

Article 9

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering national safety.

Article 10

1. Nothing in this Convention shall affect any custom or agreement whereby shorter hours are worked or higher rates of remuneration are paid than those provided by this Convention.

2. Any restrictions imposed by this Convention shall be in addition to and not in derogation of any other restrictions imposed by any law, order or regulation which fixes a lower maximum number of hours of employment or a higher rate of remuneration than those provided by this Convention.

Article 11

For the effective enforcement of the provisions of this Convention:

1. The necessary measures shall be taken to ensure adequate inspection;
2. Every employer shall be required:
 - (a) to notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, or by such method as may be approved by the competent authority, the times at which hours of work begin and end, and, where work is carried on by shifts, the times at which each shift begins and ends;
 - (b) to notify in the same way the rest periods granted to the persons employed which, in accordance with Article 2, are not included in the hours of work;
 - (c) to keep a record in the form prescribed by the competent authority of all additional hours of work performed in pursuance of paragraph 2 of Article 7 and of the payments made in respect thereof.
3. It shall be made an offence to employ any person outside the times fixed in accordance with paragraph 2 (a) or during the periods fixed in accordance with paragraph 2 (b) of this Article.

Article 12

Each Member which ratifies this Convention shall take the necessary measures in the form of penalties to ensure that the provisions of the Convention are enforced.

Forty-Hour Week Convention, 1935 (No. 47)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	23 June 1957	Geneva, ILC 19th Session (22 June 1935)	15

The General Conference of the International Labour Organisation,

Having met at Geneva in its Nineteenth Session on 4 June 1935,

Considering that the question of the reduction of hours of work is the sixth item on the agenda of the Session;

Considering that unemployment has become so widespread and long continued that there are at the present time many millions of workers throughout the world suffering hardship and privation for which they are not themselves responsible and from which they are justly entitled to be relieved;

Considering that it is desirable that workers should as far as practicable be enabled to share in the benefits of the rapid technical progress which is a characteristic of modern industry; and

Considering that in pursuance of the Resolutions adopted by the Eighteenth and Nineteenth Sessions of the International Labour Conference it is necessary that a continuous effort should be made to reduce hours of work in all forms of employment to such extent as is possible;

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Forty-Hour Week Convention, 1935:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention declares its approval of:

- (a) the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence; and
- (b) the taking or facilitating of such measures as may be judged appropriate to secure this end;

and undertakes to apply this principle to classes of employment in accordance with the detailed provision to be prescribed by such separate Conventions as are ratified by that Member.

Holidays with Pay Convention (Revised), 1970 (No. 132)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	30 June 1973	Geneva, ILC 54th Session (24 June 1970)	36

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fourth Session on 3 June 1970, and
 Having decided upon the adoption of certain proposals with regard to holidays with pay, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy the following Convention, which may be cited as the Holidays with Pay Convention (Revised), 1970:

Article 1

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

Article 2

1. This Convention applies to all employed persons, with the exception of seafarers.
2. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Convention limited categories of employed persons in respect of whose employment special problems of a substantial nature, relating to enforcement or to legislative or constitutional matters, arise.
3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

Article 3

1. Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length.
2. Each Member which ratifies this Convention shall specify the length of the holiday in a declaration appended to its ratification.
3. The holiday shall in no case be less than three working weeks for one year of service.
4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a holiday longer than that specified at the time of ratification.

Article 4

1. A person whose length of service in any year is less than that required for the full entitlement prescribed in the preceding Article shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year.

2. The expression *year* in paragraph 1 of this Article shall mean the calendar year or any other period of the same length determined by the competent authority or through the appropriate machinery in the country concerned.

Article 5

1. A minimum period of service may be required for entitlement to any annual holiday with pay.

2. The length of any such qualifying period shall be determined by the competent authority or through the appropriate machinery in the country concerned but shall not exceed six months.

3. The manner in which length of service is calculated for the purpose of holiday entitlement shall be determined by the competent authority or through the appropriate machinery in each country.

4. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work for such reasons beyond the control of the employed person concerned as illness, injury or maternity shall be counted as part of the period of service.

Article 6

1. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

Article 7

1. Every person taking the holiday envisaged in this Convention shall receive in respect of the full period of that holiday at least his normal or average remuneration (including the cash equivalent of any part of that remuneration which is paid in kind and which is not a permanent benefit continuing whether or not the person concerned is on holiday), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.

2. The amounts due in pursuance of paragraph 1 of this Article shall be paid to the person concerned in advance of the holiday, unless otherwise provided in an agreement applicable to him and the employer.

Article 8

1. The division of the annual holiday with pay into parts may be authorised by the competent authority or through the appropriate machinery in each country.

2. Unless otherwise provided in an agreement applicable to the employer and the employed person concerned, and on condition that the length of service of the person concerned entitles him to such a period, one of the parts shall consist of at least two uninterrupted working weeks.

Article 9

1. The uninterrupted part of the annual holiday with pay referred to in Article 8, paragraph 2, of this Convention shall be granted and taken no later than one year, and the remainder of the annual holiday with pay no later than eighteen months, from the end of the year in respect of which the holiday entitlement has arisen.

2. Any part of the annual holiday which exceeds a stated minimum may be postponed, with the consent of the employed person concerned, beyond the period specified in paragraph 1 of this Article and up to a further specified time limit.

3. The minimum and the time limit referred to in paragraph 2 of this Article shall be determined by the competent authority after consultation with the organisations of employers and workers concerned, or through collective bargaining, or in such other manner consistent with national practice as may be appropriate under national conditions.

Article 10

1. The time at which the holiday is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation with the employed person concerned or his representatives.

2. In fixing the time at which the holiday is to be taken, work requirements and the opportunities for rest and relaxation available to the employed person shall be taken into account.

Article 11

An employed person who has completed a minimum period of service corresponding to that which may be required under Article 5, paragraph 1, of this Convention shall receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.

Article 12

Agreements to relinquish the right to the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention or to forgo such a holiday, for compensation or otherwise, shall, as appropriate to national conditions, be null and void or be prohibited.

Article 13

Special rules may be laid down by the competent authority or through the appropriate machinery in each country in respect of cases in which the employed person engages, during the holiday, in a gainful activity conflicting with the purpose of the holiday.

Article 14

Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper application and enforcement of regulations or provisions concerning holidays with pay, by means of adequate inspection or otherwise.

Article 15

1. Each Member may accept the obligations of this Convention separately:
- (a) in respect of employed persons in economic sectors other than agriculture;
 - (b) in respect of employed persons in agriculture.

2. Each Member shall specify in its ratification whether it accepts the obligations of the Convention in respect of the persons covered by subparagraph (a) of paragraph 1 of this Article, in respect of the persons covered by subparagraph (b) of paragraph 1 of this Article, or in respect of both.

3. Each Member which has on ratification accepted the obligations of this Convention only in respect either of the persons covered by subparagraph (a) of paragraph 1 of this Article or of the persons covered by subparagraph (b) of paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of all persons to whom this Convention applies.

Article 16

This Convention revises the Holidays with Pay Convention, 1936, and the Holidays with Pay (Agriculture) Convention, 1952, on the following terms:

- (a) acceptance of the obligations of this Convention in respect of employed persons in economic sectors other than agriculture by a Member which is a party to the Holidays with Pay Convention, 1936, shall *ipso jure* involve the immediate denunciation of that Convention;
- (b) acceptance of the obligations of this Convention in respect of employed persons in agriculture by a Member which is a party to the Holidays with Pay (Agriculture) Convention, 1952, shall *ipso jure* involve the immediate denunciation of that Convention;
- (c) the coming into force of this Convention shall not close the Holidays with Pay (Agriculture) Convention, 1952, to further ratification.

Holidays with Pay Recommendation, 1954 (No. 98)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 37th Session (23 June 1954)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-seventh Session on 2 June 1954, and

Having decided upon the adoption of certain proposals with regard to holidays with pay, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and fifty-four, the following Recommendation, which may be cited as the Holidays with Pay Recommendation, 1954:

The Conference recommends that the following provisions should be applied and that each Member should report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

1. (1) Having regard to the variety of national practices, the provisions of this Recommendation may be given effect by means of public or voluntary action, through legislation, statutory wage fixing machinery, collective agreements or arbitration awards, or in any other manner consistent with national practice, as may be appropriate under national conditions.

(2) The adoption of any procedures specified in subparagraph (1) should not prejudice the particular concern of governments to call into action all appropriate constitutional or legal machinery when voluntary action, action by employers' and workers' organisations or collective agreements do not give speedy and satisfactory results.

2. The following forms of action might be considered, inter alia, by the competent authority in the various countries, wherever appropriate:

- (a) encouraging the provision of holidays with pay through collective agreements freely concluded by both parties participating in collective bargaining machinery;
- (b) assisting employers' and workers' organisations to establish joint voluntary machinery, or establishing, where necessary, statutory machinery, which would, inter alia, be competent to determine annual holidays with pay in a particular trade or activity;
- (c) granting powers in the field of annual holidays with pay to existing statutory wage fixing bodies where these bodies do not already possess such powers;
- (d) collecting detailed information regarding provisions governing annual holidays with pay, and making such information available to employers' and workers' organisations.

3. This Recommendation applies to all employed persons, with the exception of seafarers, agricultural workers and persons employed in undertakings or establishments in which only members of the employer's family are engaged.

4. (1) Every person covered by this Recommendation should be entitled to an annual holiday with pay. The duration of the annual holiday with pay should be proportionate to the length of service performed with one or more employers during the year concerned and should be not less than two working weeks for twelve months of service.

(2) The appropriate machinery in each country may, where appropriate, determine:

- (a) the number of days which a worker should have worked to become eligible for the annual holiday with pay or for a proportion thereof;
- (b) the method of calculating the period of service of a worker in a particular year for the purpose of determining the annual holiday with pay to be taken by him in respect of that year.

(3) It should be left to the appropriate machinery in each country to provide that, where employment ceases before the worker has completed the service necessary to become eligible for an annual holiday with pay in accordance with the provisions of subparagraphs (1) and (2) above, he should be entitled to a holiday with pay proportionate to the period of service performed or to compensation in lieu thereof or to the equivalent holiday credit, whichever is the more practicable.

5. The appropriate machinery in each country should determine the days such as public or customary holidays, days of weekly rest, days of absence from work on account of accident at work or sickness, and periods of rest occasioned by pre- and post-natal care which are not to be counted as days of holiday with pay for the purpose of these provisions.

6. It should be left to the appropriate machinery in each country to determine whether the duration of the annual holiday with pay should increase with length of service or by reason of other factors.

7. (1) Interruptions of work during which the worker receives wages should not affect entitlement to or the duration of the annual holiday with pay.

(2) Interruptions of work which do not give rise to a termination of the employment relationship or contract should not affect any entitlement to a holiday with pay which has been accumulated prior to the interruption.

(3) The appropriate machinery in each country should determine the manner in which the principles set out in subparagraphs (1) and (2) above should be applied to interruptions of work occasioned by:

- (a) sickness, accident and periods of rest occasioned by pre- and post-natal care;
- (b) absences on account of family events;
- (c) military obligations;
- (d) the exercise of civic rights and duties;
- (e) the performance of duties arising from trade union responsibilities;
- (f) changes in the management of the undertaking;
- (g) intermittent involuntary unemployment.

8. The entitlement of a worker to the annual holiday with pay and the duration of such holiday should not be affected by interruptions occasioned by pregnancy and confinement if the worker concerned resumes employment and if her absence does not exceed a specified period.

9. (1) There should be consultation between employers and workers regarding the time when the annual holiday with pay is to be taken. In determining this time the personal wishes of the worker should be taken into consideration as far as possible.

(2) The worker should be notified of the date at which the annual holiday with pay is to begin sufficiently in advance so that he can make use of his holiday in an appropriate manner.

10. Young workers under eighteen years of age should receive a longer period of annual holiday with pay than the minimum provided for in paragraph 4.

11. Every person taking an annual holiday with pay should receive in respect of the full period of the holiday, at the minimum, either:

- (a) the remuneration determined for such holiday period by collective agreements, arbitration awards or national laws and regulations; or
- (b) his normal remuneration, as prescribed by national laws or regulations or by any other means established by national practice, including the cash equivalent of his remuneration in kind, if any.

12. It should be left to collective agreements, arbitration awards, or national laws and regulations, to prescribe the system of holiday records which should be maintained and the particulars which should be included in such records, as may be necessary for the proper administration of provisions or regulations concerning annual holidays with pay.

13. Preliminary consultation, in such a manner and to such an extent as may be consistent with national laws and practice, should take place between representative organisations of employers and workers and the competent authorities prior to the framing of laws or regulations governing annual holidays with pay.

14. Representative organisations of employers and workers should be given an opportunity to participate on a basis of complete equality in the operation of bodies entrusted by national laws or regulations with the determination of annual holidays with pay or in the implementation of regulations concerning annual holidays with pay, or should be consulted or have a right to be heard in such a manner and to such an extent as may be consistent with national laws and practice.

Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	10 Feb 1983	Geneva, ILC 65th Session (27 June 1979)	9

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-fifth Session on 6 June 1979, and

Having decided upon the adoption of certain proposals with regard to hours of work and rest periods in road transport, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-nine the following Convention, which may be cited as the Hours of Work and Rest Periods (Road Transport) Convention, 1979:

Article 1

1. This Convention applies to wage-earning drivers working, whether for undertakings engaged in transport for third parties or for undertakings transporting goods or passengers for own account, on motor vehicles engaged professionally in the internal or international transport by road of goods or passengers.

2. Except as otherwise provided herein, this Convention further applies to owners of motor vehicles engaged professionally in road transport and non-wage-earning members of their families, when they are working as drivers.

Article 2

1. The competent authority or body in each country may exclude from the application of the provisions of this Convention, or of certain of them, persons who drive vehicles engaged in:

- (a) urban transport or certain types of urban transport, by reference to the particular technical operating conditions involved and to local conditions;
- (b) transport by agricultural or forestry undertakings in so far as such transport is carried out by means of tractors or other vehicles assigned to local agricultural or forestry activities and is used exclusively for the work of such undertakings;
- (c) transport of sick and injured persons, transport for rescue or salvage work and transport for fire-fighting services;
- (d) transport for the purpose of national defence and police services and, in so far as it is not in competition with that effected by undertakings engaged in transport for third parties, transport for the purpose of other public authority essential services;
- (e) transport by taxi; or
- (f) transport which, by reason of the type of vehicle used, the passenger or goods capacity of the vehicles, their limited routes or their maximum authorised speed, can be considered as not requiring special regulations concerning driving time and rest periods.

2. The competent authority or body in each country shall lay down adequate standards concerning driving time and rest periods of drivers excluded from the application of the provisions of this Convention, or of certain of them, pursuant to the provisions of paragraph 1 of this Article.

Article 3

The representative organisations of employers and workers concerned shall be consulted by the competent authority or body in each country before decisions are taken on any matters covered by the provisions of this Convention.

Article 4

1. For the purpose of this Convention the term **hours of work** means the time spent by wage-earning drivers on:

- (a) driving and other work during the running time of the vehicle; and
- (b) subsidiary work in connection with the vehicle, its passengers or its load.

2. Periods of mere attendance or stand-by, either on the vehicle or at the workplace and during which the drivers are not free to dispose of their time as they please, may be regarded as hours of work to an extent to be prescribed in each country by the competent authority or body, by collective agreements or by any other means consistent with national practice.

Article 5

1. No driver shall be allowed to drive continuously for more than four hours without a break.

2. The competent authority or body in each country, taking into account particular national conditions, may authorise the period referred to in paragraph 1 of this Article to be exceeded by not more than one hour.

3. The length of the break referred to in this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

4. The competent authority or body in each country may specify cases in which the provisions of this Article are inapplicable because drivers have sufficient breaks as a result of stops provided for in the timetable or as a result of the intermittent nature of the work.

Article 6

1. The maximum total driving time, including overtime, shall exceed neither nine hours per day nor 48 hours per week.

2. The total driving times referred to in paragraph 1 of this Article may be calculated as an average over a number of days or weeks to be determined by the competent authority or body in each country.

3. The total driving times referred to in paragraph 1 of this Article shall be reduced in the case of transport activities carried out in particularly difficult conditions. The competent authority or body in each country shall define these activities and determine the total driving times to be applied in respect of the drivers concerned.

Article 7

1. Every wage-earning driver shall be entitled to a break after a continuous period of five hours of work as defined in Article 4, paragraph 1, of this Convention.

2. The length of the break referred to in paragraph 1 of this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

Article 8

1. The daily rest of drivers shall be at least ten consecutive hours during any 24-hour period starting from the beginning of the working day.

2. The daily rest may be calculated as an average over periods to be determined by the competent authority or body in each country: Provided that the daily rest shall in no case be less than eight hours and shall not be reduced to eight hours more than twice a week.

3. The competent authority or body in each country may provide for daily rest periods of different duration according to whether passenger or goods transport is involved and to whether the rest is taken at home or elsewhere, on condition that the provisions of paragraphs 1 and 2 of this Article concerning the minimum number of hours are observed.

4. The competent authority or body in each country may provide for exceptions to the provisions of paragraphs 1 and 2 of this Article as regards the duration of the daily rest periods and the manner of taking such rest periods in the cases of vehicles having a crew of two drivers and of vehicles using a ferryboat or a train.

5. During the daily rest the driver shall not be required to remain in or near the vehicle if he has taken the necessary precautions to ensure the safety of the vehicle and its load.

Article 9

1. The competent authority or body in each country may permit as temporary exceptions, but only in so far as may be necessary for the performance of indispensable work, extensions

of the driving time, extensions of the continuous working time, and reductions in the duration of the daily rest periods provided for in Articles 5, 6, 7 and 8 of this Convention:

- (a) in case of accident, breakdown, unforeseen delay, dislocation of service or interruption of traffic;
- (b) in case of force majeure; and
- (c) in case of urgent and exceptional necessity for ensuring the work of services of public utility.

2. When national or local conditions in which road transport operates do not lend themselves to the strict observance of Articles 5, 6, 7 or 8 of this Convention, the competent authority or body in each country may also authorise extensions of the driving time, extensions of the continuous working time and reductions in the duration of the daily rest periods provided for therein and authorise exceptions as regards the application of Articles 5, 6 or 8 to the drivers covered by Article 1, paragraph 2, of this Convention. In such case, the Member concerned shall, by a declaration appended to its ratification, describe these national or local conditions as well as the extensions, reductions or exceptions permitted pursuant to this paragraph. Any such Member shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation any progress which may have been made with a view towards stricter or wider application of Articles 5, 6, 7 and 8 of this Convention, and may at any time cancel the declaration by a subsequent declaration.

Article 10

1. The competent authority or body in each country shall:

- (a) provide for an individual control book and prescribe the conditions of its issue, its contents and the manner in which it shall be kept by the drivers; and
- (b) lay down a procedure for notification of the hours worked in accordance with Article 9, paragraph 1, of this Convention and the circumstances justifying them.

2. Each employer shall:

- (a) keep a record, in a form approved by the competent authority or body in each country, indicating the hours of work and of rest of every driver employed by him; and
- (b) place this record at the disposal of the supervisory authorities in a manner determined by the competent authority or body in each country.

3. The traditional means of supervision referred to in paragraphs 1 and 2 of this Article shall, if this proves to be necessary for certain categories of transport, be replaced or supplemented as far as possible by recourse to modern methods, as for instance tachographs, according to rules to be established by the competent authority or body in each country.

Article 11

The competent authority or body in each country shall make provision for:

- (a) an adequate inspection system, with verification carried out in the undertaking and on the roads; and
- (b) appropriate penalties in the event of breaches of the requirements of this Convention.

Article 12

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements or arbitration awards or in such other manner as may be consistent with national practice, be given effect by laws or regulations.

Article 13

This Convention revises the Hours of Work and Rest Periods (Road Transport) Convention, 1939.

Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161)

Status	Adoption
Technical instrument to be revised	Geneva, ILC 65th Session (27 June 1979)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office and
 having met in its Sixty-fifth Session on 6 June 1979, and
 Having decided upon the adoption of certain proposals with regard to hours of work and rest
 periods in road transport, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-nine,
 the following Recommendation, which may be cited as the Hours of Work and Rest Periods (Road
 Transport) Recommendation, 1979:

I. Scope

1. This Recommendation applies to wage earners working, whether for undertakings engaged in transport for third parties or for undertakings transporting goods or passengers for own account, on motor vehicles engaged professionally in the internal or international transport by road of goods or passengers, namely as:

- (a) drivers; or
- (b) drivers' mates, attendants, conductors and other persons who travel with a road transport vehicle in a capacity connected with the vehicle, its passengers or its load.

2. Parts II and VII to IX of this Recommendation, as well as the provisions of Parts X to XII relevant thereto, further apply to owners of motor vehicles engaged professionally in road transport and non-wage-earning members of their families, when they are working in a capacity referred to in clause (a) or (b) of Paragraph 1 of this Recommendation.

3. (1) The competent authority or body in each country may exclude from the application of the provisions of this Recommendation, or of certain of them, persons covered by Paragraphs 1 and 2 of this Recommendation who work in:

- (a) urban transport or certain types of urban transport, by reference to the particular technical operating conditions involved and to local conditions;
- (b) transport by agricultural or forestry undertakings in so far as such transport is carried out by means of tractors or other vehicles assigned to local agricultural or forestry activities and is used exclusively for the work of such undertakings;
- (c) transport of sick and injured persons, transport for rescue or salvage work and transport for fire-fighting services;
- (d) transport for the purpose of national defence and police services and, in so far as it is not in competition with that effected by undertakings engaged in transport for third parties, transport for the purpose of other public authority essential services;
- (e) transport by taxi; and
- (f) transport which, by reason of the type of vehicle used, the passenger or goods capacity of the vehicles, their limited routes or their maximum authorised speed, can be considered as not requiring special regulations concerning hours of work and rest periods.

(2) The competent authority or body in each country should lay down suitable standards concerning hours of work and rest periods of persons excluded from the application of the provisions of this Recommendation, or of certain of them, pursuant to the provisions of subparagraph (1) of this Paragraph.

II. Consultation of employers and workers

4. The representative organisations of employers and workers concerned should be consulted by the competent authority or body in each country before decisions are taken on any matters covered by the provisions of this Recommendation.

III. Definition of hours of work

5. For the purpose of this Recommendation the term *hours of work* means the time spent by the persons covered by Paragraph 1 of the Recommendation on:

- (a) driving and other work during the running time of the vehicle; and
- (b) subsidiary work in connection with the vehicle, its passengers or its load.

6. Periods of mere attendance or stand-by, either on the vehicle or at the workplace and during which the workers are not free to dispose of their time as they please, as well as time spent by them on training and advanced training when agreed upon between the organisations of employers and workers concerned, may be regarded as hours of work to an extent to be prescribed in each country by the competent authority or body, by collective agreements or by any other means consistent with national practice.

IV. Normal hours of work

A. Normal weekly hours of work

7. Normal hours of work, namely those in respect of which national provisions concerning overtime do not apply, should not exceed 40 per week.

8. The normal weekly hours of work referred to in Paragraph 7 of this Recommendation may be introduced gradually and by stages.

9. (1) In the case of long-distance transport and in other transport activities where the standard covered by Paragraph 7 of this Recommendation would be impracticable if applied to one week, this standard may be applied as an average over a maximum period of four weeks.

(2) The competent authority or body in each country should determine the maximum number of hours of work in a single week when, pursuant to subparagraph (1) of this Paragraph, the standard covered by Paragraph 7 is applied as an average.

B. Normal daily hours of work

10. Normal hours of work, as defined in Paragraph 7 of this Recommendation, should not exceed eight per day as an average.

11. (1) When normal weekly hours of work are unevenly distributed over the various days of the week, the normal hours of work should not exceed ten per day.

(2) When the normal daily hours of work include substantial periods of mere attendance or stand-by or interruptions of work or when it is necessary to enable the crew of the vehicle to reach a suitable place of rest, the maximum limit referred to in subparagraph (1) of this Paragraph may be more than ten hours but not more than 12 hours per day.

V. Maximum period of continuous work

12. (1) Every wage-earning worker should be entitled to a break after a continuous period of five hours of work as defined in Paragraph 5 of this Recommendation.

(2) The length of the break referred to in subparagraph (1) of this Paragraph and, as appropriate, the way in which the break may be split should be determined by the competent authority or body in each country.

VI. Daily spreadover

13. (1) The competent authority or body in each country should prescribe for the various branches of the road transport industry the maximum number of hours which may separate two successive daily rest periods.

(2) The spreadover should not be so long as to reduce the period of daily rest to which the workers are entitled.

VII. Driving time

14. (1) No driver should be allowed to drive continuously for more than four hours without a break.

(2) The competent authority or body in each country, taking into account particular national conditions, may authorise the period referred to in subparagraph (1) of this Paragraph to be exceeded by not more than one hour.

(3) The length of the break referred to in this Paragraph and, as appropriate, the way in which the break may be split should be determined by the competent authority or body in each country.

(4) The competent authority or body in each country may specify cases in which the provisions of this Paragraph are inapplicable because drivers have sufficient breaks as a result of stops provided for in the time-table or as a result of the intermittent nature of the work.

15. The maximum total driving time, including overtime, should exceed neither nine hours per day nor 48 hours per week.

16. The total driving times referred to in Paragraph 15 of this Recommendation may be calculated as an average over a maximum period of four weeks.

17. The total driving times referred to in Paragraph 15 of this Recommendation may be reduced in the case of transport activities carried out in particularly difficult conditions. The competent authority or body in each country may define these activities and determine the total driving times to be applied in respect of the drivers concerned.

VIII. Daily rest

18. The daily rest of persons covered by Paragraphs 1 and 2 of this Recommendation should be at least 11 consecutive hours during any 24-hour period starting from the beginning of the working day.

19. The daily rest may be calculated as an average over periods to be determined by the competent authority or body in each country: Provided that the daily rest should in no case be less than eight hours.

20. The competent authority or body in each country may provide for daily rest periods of different duration according to whether passenger or goods transport is involved and to whether the rest is taken at home or elsewhere, on condition that the provisions of Paragraphs 18 and 19 of this Recommendation concerning the minimum number of hours are observed.

21. The competent authority or body in each country may provide for exceptions to the provisions of Paragraphs 18 and 19 of this Recommendation as regards the duration of the daily rest periods and the manner of taking such rest periods in the cases of vehicles having a crew of two drivers and of vehicles using a ferry-boat or a train.

22. During the daily rest the crew should not be required to remain in or near the vehicle if they have taken the necessary precautions to ensure the safety of the vehicle and its load.

IX. Weekly rest

23. The minimum duration of the weekly rest should be 24 consecutive hours, preceded or followed by the daily rest.

24. The weekly rest should, as far as possible, coincide with a Sunday or with traditional and customary days of rest, and it should during a given period be possible for this rest to be spent at home a certain number of times, to be determined by the competent authority or body in each country.

25. In long-distance transport, it should be possible to cumulate weekly rest over two consecutive weeks. In appropriate cases, the competent authority or body in each country may approve the cumulation of this rest over a longer time.

X. Exceptions and overtime

26. (1) The competent authority or body in each country may permit as temporary exceptions, but only in so far as may be necessary for the performance of indispensable work, extensions of the

hours of work, extensions of the driving time and reductions in the duration of the rest periods provided for in the preceding Paragraphs of this Recommendation:

- (a) in case of accident, breakdown, unforeseen delay, dislocation of service or interruption of traffic;
- (b) in case of force majeure; or
- (c) in case of urgent and exceptional necessity for ensuring the work of services of public utility.

(2) The competent authority or body in each country may also permit extensions of the hours of work, extensions of the driving time and reductions in the duration of the rest periods provided for in the preceding Paragraphs of this Recommendation where these are necessary to enable the crew to reach a suitable stopping place or the end of their journey, as the case may be, provided that road safety is not thereby jeopardised.

27. The competent authority or body in each country may grant authorisations for an extension of the normal hours of work, as a temporary exception, in case of abnormal pressure of work.

28. All hours worked in excess of normal hours should be considered as overtime and, as such, remunerated at a higher rate or, as prescribed by national laws or regulations, collective agreements or in any other manner consistent with national practice, otherwise compensated.

XI. Supervisory measures

29. The competent authority or body in each country should:

- (a) provide for an individual control book and prescribe the conditions of its issue, its contents and the manner in which it shall be kept by the drivers;
- (b) lay down a procedure for notification of the hours worked in accordance with Paragraph 26 of this Recommendation and the circumstances justifying them; and
- (c) lay down a procedure for authorising the hours that may be worked in accordance with Paragraph 27 of this Recommendation as well as the number of hours for which the authorisation may be granted, according to the nature of the transport operations and the method of calculating the hours of work.

30. Each employer should:

- (a) keep a record, in a form approved by the competent authority or body in each country, indicating the hours of work and of rest of every person covered by this Recommendation and employed by him; and
- (b) place this record at the disposal of the supervisory authorities in a manner to be determined by the competent authority or body in each country.

31. The traditional means of supervision referred to in Paragraphs 29 and 30 of this Recommendation should, if this proves to be necessary for certain categories of transport, be replaced or supplemented as far as possible by recourse to modern methods, as for instance tachographs, according to rules to be established by the competent authority or body in each country.

32. The competent authority or body in each country should make provision for:

- (a) an adequate inspection system, with verification carried out in the undertaking and on the roads; and
- (b) appropriate penalties in the event of breaches of the provisions giving effect to this Recommendation.

XII. Means and methods of application

33. (1) The provisions of this Recommendation may be applied by laws or regulations, collective agreements, arbitration awards or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions and the needs of each category of transport.

(2) The provisions of this Recommendation which have a direct bearing on road safety, namely those relating to the maximum period of continuous work, driving time, daily rest and supervisory measures, should preferably be applied by laws or regulations.

2. Night work²

Night Work Convention, 1990 (No. 171)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	4 Jan 1995	Geneva, ILC 77th Session (26 June 1990)	13

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 77th Session on 6 June 1990, and

Noting the provisions of international labour Conventions and Recommendations on the night work of children and young persons, and specifically the provisions in the Night Work of Young Persons (Non-Industrial Occupations) Convention and Recommendation, 1946, the Night Work of Young Persons (Industry) Convention (Revised), 1948, and the Night Work of Children and Young Persons (Agriculture) Recommendation, 1921, and

Noting the provisions of international labour Conventions and Recommendations on night work of women, and specifically the provisions in the Night Work (Women) Convention (Revised), 1948, and the Protocol of 1990 thereto, the Night Work of Women (Agriculture) Recommendation, 1921, and Paragraph 5 of the Maternity Protection Recommendation, 1952, and

Noting the provisions of the Discrimination (Employment and Occupation) Convention, 1958, and

Noting the provisions of the Maternity Protection Convention (Revised), 1952, and

Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Convention, which may be cited as the Night Work Convention, 1990:

Article 1

For the purposes of this Convention:

- (a) the term ***night work*** means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements;
- (b) the term ***night worker*** means an employed person whose work requires performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements.

2. 1) Shelved conventions: Night Work (Women) Convention, 1919 (No. 4); Night Work (Bakeries) Convention, 1925 (No. 20); Night Work (Women) Convention (Revised), 1934 (No. 41). 2) Withdrawn recommendation: Night Work (Road Transport) Recommendation, 1939 (No. 64).

Article 2

1. This Convention applies to all employed persons except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation.

2. A Member which ratifies this Convention may, after consulting the representative organisations of employers and workers concerned, exclude wholly or partly from its scope limited categories of workers when the application of the Convention to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in paragraph 2 of this Article shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate the particular categories of workers thus excluded and the reasons for their exclusion. It shall also describe all measures taken with a view to progressively extending the provisions of the Convention to the workers concerned.

Article 3

1. Specific measures required by the nature of night work, which shall include, as a minimum, those referred to in Articles 4 to 10, shall be taken for night workers in order to protect their health, assist them to meet their family and social responsibilities, provide opportunities for occupational advancement, and compensate them appropriately. Such measures shall also be taken in the fields of safety and maternity protection for all workers performing night work.

2. The measures referred to in paragraph 1 above may be applied progressively.

Article 4

1. At their request, workers shall have the right to undergo a health assessment without charge and to receive advice on how to reduce or avoid health problems associated with their work:

- (a) before taking up an assignment as a night worker;
- (b) at regular intervals during such an assignment;
- (c) if they experience health problems during such an assignment which are not caused by factors other than the performance of night work.

2. With the exception of a finding of unfitness for night work, the findings of such assessments shall not be transmitted to others without the workers' consent and shall not be used to their detriment.

Article 5

Suitable first-aid facilities shall be made available for workers performing night work, including arrangements whereby such workers, where necessary, can be taken quickly to a place where appropriate treatment can be provided.

Article 6

1. Night workers certified, for reasons of health, as unfit for night work shall be transferred, whenever practicable, to a similar job for which they are fit.

2. If transfer to such a job is not practicable, these workers shall be granted the same benefits as other workers who are unable to work or to secure employment.

3. A night worker certified as temporarily unfit for night work shall be given the same protection against dismissal or notice of dismissal as other workers who are prevented from working for reasons of health.

Article 7

1. Measures shall be taken to ensure that an alternative to night work is available to women workers who would otherwise be called upon to perform such work:

- (a) before and after childbirth, for a period of at least sixteen weeks of which at least eight weeks shall be before the expected date of childbirth;
- (b) for additional periods in respect of which a medical certificate is produced stating that it is necessary for the health of the mother or child:
 - (i) during pregnancy;
 - (ii) during a specified time beyond the period after childbirth fixed pursuant to subparagraph (a) above, the length of which shall be determined by the competent authority after consulting the most representative organisations of employers and workers.

2. The measures referred to in paragraph 1 of this Article may include transfer to day work where this is possible, the provision of social security benefits or an extension of maternity leave.

3. During the periods referred to in paragraph 1 of this Article:

- (a) a woman worker shall not be dismissed or given notice of dismissal, except for justifiable reasons not connected with pregnancy or childbirth;
- (b) the income of the woman worker shall be maintained at a level sufficient for the upkeep of herself and her child in accordance with a suitable standard of living. This income maintenance may be ensured by any of the measures listed in paragraph 2 of this Article, by other appropriate measures or by a combination of these measures;
- (c) a woman worker shall not lose the benefits regarding status, seniority and access to promotion which may attach to her regular night work position.

4. The provisions of this Article shall not have the effect of reducing the protection and benefits connected with maternity leave.

Article 8

Compensation for night workers in the form of working time, pay or similar benefits shall recognise the nature of night work.

Article 9

Appropriate social services shall be provided for night workers and, where necessary, for workers performing night work.

Article 10

1. Before introducing work schedules requiring the services of night workers, the employer shall consult the workers' representatives concerned on the details of such schedules and the forms of organisation of night work that are best adapted to the establishment and its personnel as well as on the occupational health measures and social services which are required. In establishments employing night workers this consultation shall take place regularly.

2. For the purposes of this Article the *workers' representatives* means persons who are recognised as such by national law or practice, in accordance with the Workers' Representatives Convention, 1971.

Article 11

1. The provisions of this Convention may be implemented by laws or regulations, collective agreements, arbitration awards or court decisions, a combination of these means or in any other manner appropriate to national conditions and practice. In so far as they have not been given effect by other means, they shall be implemented by laws or regulations.

2. Where the provisions of this Convention are implemented by laws or regulations, there shall be prior consultation with the most representative organisations of employers and workers.

Night Work Recommendation, 1990 (No. 178)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 77th Session (26 June 1990)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 77th Session on 6 June 1990, and

Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Night Work Convention, 1990,

adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Recommendation, which may be cited as the Night Work Recommendation, 1990:

I. General provisions

1. For the purposes of this Recommendation:

- (a) the term *night work* means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements;
- (b) the term *night worker* means an employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements.

2. This Recommendation applies to all employed persons, except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation.

3. (1) The provisions of this Recommendation may be implemented by laws or regulations, collective agreements, arbitration awards or court decisions, a combination of these means or in any other manner appropriate to national conditions and practice. In so far as they have not been given effect by other means, they should be implemented by laws or regulations.

(2) Where the provisions of this Recommendation are implemented by laws or regulations, there should be prior consultation with the most representative organisations of employers and workers.

II. Hours of work and rest periods

4. (1) Normal hours of work for night workers should not exceed eight in any 24-hour period in which they perform night work, except in the case of work which includes substantial periods of mere attendance or stand-by, in cases in which alternative working schedules give workers at least equivalent protection over different periods or in cases of exceptional circumstances recognised by collective agreements or failing that by the competent authority.

(2) The normal hours of work of night workers should generally be less on average than and, in any case, not exceed on average those of workers performing the same work to the same requirements by day in the branch of activity or the undertaking concerned.

(3) Night workers should benefit to at least the same extent as other workers from general measures for reducing normal weekly hours of work and increasing days of paid leave.

5. (1) Work should be organised in such a way as to avoid, as far as possible, overtime by night workers before or after a daily period of work which includes night work.

(2) In occupations involving special hazards or heavy physical or mental strain, no overtime should be performed by night workers before or after a daily period of work which includes night work, except in cases of force majeure or of actual or imminent accident.

6. Where shift work involves night work:

- (a) in no case should two consecutive full-time shifts be performed, except in cases of force majeure or of actual or imminent accident;
- (b) a rest period of at least 11 hours between two shifts should be guaranteed as far as possible.

7. Daily periods of work which include night work should include a break or breaks to enable workers to rest and eat. The scheduling and total length of these breaks should take account of the demands placed on workers by the nature of night work.

III. Financial compensation

8. (1) Night work should generally give rise to appropriate financial compensation. Such compensation should be additional to the remuneration paid for the same work performed to the same requirements during the day and:

- (a) should respect the principle of equal pay for men and women for the same work, or for work of equal value; and
- (b) may by agreement be converted into reduced working time.

(2) In determining such compensation, the extent of reductions in working hours may be taken into account.

9. Where financial compensation for night work is a normal element in a night worker's earnings, it should be included in the calculation of the remuneration of paid annual leave, paid public holidays and other absences that are normally paid as well as in the fixing of social security contributions and benefits.

IV. Safety and health

10. Employers and the workers' representatives concerned should be able to consult the occupational health services, where they exist, on the consequences of various forms of organisation of night work, especially when undertaken by rotating crews.

11. In determining the content of the tasks assigned to night workers, account should be taken of the nature of night work and of the effects of environmental factors and forms of work organisation. Special attention should be paid to factors such as toxic substances, noise, vibrations and lighting levels and to forms of work organisation involving heavy physical or mental strain. Cumulative effects from such factors and forms of work organisation should be avoided or reduced.

12. The employer should take the necessary measures to maintain during night work the same level of protection against occupational hazards as by day, in particular avoiding, as far as possible, the isolation of workers.

V. Social services

13. Measures should be taken to limit or reduce the time spent by night workers in travelling between their residence and workplace, to avoid or reduce additional travelling expenses for them and to improve their safety when travelling at night. Such measures may include:

- (a) co-ordination between the starting and finishing times of daily periods of work which include night work and the schedules of local public transport services;
- (b) provision by the employer of collective means of transport for night workers where public transport services are not available;
- (c) assistance to night workers in the acquisition of appropriate means of transport;
- (d) the payment of appropriate compensation for additional travelling expenses;
- (e) the building of housing complexes within a reasonable distance of the workplace.

14. Measures should be taken to improve the quality of rest for night workers. Such measures may include:

- (a) advice and, where appropriate, assistance to night workers for noise insulation of their housing;
- (b) design and equipping of housing complexes which take into account the need to reduce noise levels.

15. Suitably equipped resting facilities should be made available to night workers in appropriate places in the undertaking.

16. The employer should take the necessary measures to enable workers performing night work to obtain meals and beverages. Such measures, devised in such a way as to meet the needs of night workers, may include:

- (a) making available, at appropriate places in the undertaking, food and beverages suitable for consumption at night;
- (b) access to facilities where workers may, at night, prepare or heat and eat food which they have brought.

17. The extent to which night work is performed locally should be one of the factors to be taken into consideration when deciding on the establishment of crèches or other services for the care of young children, choosing their location and determining their opening hours.

18. The specific constraints on night workers should be duly taken into consideration by the public authorities, by other institutions and by employers within the framework of measures to encourage training and retraining, as well as cultural, sporting or recreational activities for workers.

VI. Other measures

19. At any point during pregnancy, once this is known, women night workers who so request should be assigned to day work, as far as practicable.

20. In cases of shift work, the special situation of workers with family responsibilities, of workers undergoing training and of older workers should be taken into consideration when decisions are taken on the composition of night crews.

21. Except in cases of force majeure or of actual or imminent accident, workers should be given reasonable notice of a requirement to perform night work.

22. Measures should be taken, where appropriate, to enable night workers, like other workers, to benefit from training opportunities including paid educational leave.

23. (1) Night workers who have completed a given number of years on night work should be accorded special consideration with respect to vacancies for day work for which they have the necessary qualifications.

(2) Preparations should be made for such transfers by facilitating the training of night workers where necessary for tasks normally performed by day.

24. Workers who have spent a considerable number of years as night workers should be accorded special consideration with respect to opportunities for voluntary early or phased retirement where such opportunities exist.

25. Night workers who have a trade union or workers' representation function should, like other workers who assume such a function, be able to exercise it in appropriate conditions. The need to carry out workers' representation functions should be taken into consideration when decisions are made concerning assignment of workers' representatives to night work.

26. Statistics on night work should be improved and studies on the effects of different forms of organisation of night work, particularly when carried out in the framework of shift systems, should be intensified.

27. Wherever possible, advantage should be taken of scientific and technical progress and of innovations relating to work organisation in order to limit recourse to night work.

Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89)

Status	Entry into force	Adoption
Up-to-date technical instrument	26 June 1990	Geneva, ILC 77th Session (26 June 1990)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 77th Session on 6 June 1990, and

Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Night Work (Women) Convention (Revised), 1948 (hereinafter referred to as “the Convention”),

adopts this twenty-sixth day of June 1990 the following Protocol, which may be cited as the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

Article 1

1. (1) National laws or regulations, adopted after consulting the most representative organisations of employers and workers, may provide that variations in the duration of the night period as defined in Article 2 of the Convention and exemptions from the prohibition of night work contained in Article 3 thereof may be introduced by decision of the competent authority:

- (a) in a specific branch of activity or occupation, provided that the organisations representative of the employers and the workers concerned have concluded an agreement or have given their agreement;
- (b) in one or more specific establishments not covered by a decision taken pursuant to clause (a) above, provided that:
 - (i) an agreement has been concluded in the establishment or enterprise concerned between the employer and the workers’ representatives concerned; and
 - (ii) the organisations representative of the employers and the workers of the branch of activity or occupation concerned or the most representative organisations of employers and workers have been consulted;
- (c) in a specific establishment not covered by a decision taken pursuant to clause (a) above, and where no agreement has been reached in accordance with clause (b) (i) above, provided that:
 - (i) the workers’ representatives in the establishment or enterprise as well as the organisations representative of the employers and the workers of the branch of activity or occupation concerned or the most representative organisations of employers and workers have been consulted;
 - (ii) the competent authority has satisfied itself that adequate safeguards exist in the establishment as regards occupational safety and health, social services and equality of opportunity and treatment for women workers; and
 - (iii) the decision of the competent authority shall apply for a specified period of time, which may be renewed by means of the procedure under subclauses (i) and (ii) above,

(2) For the purposes of this paragraph the term “workers’ representatives” means persons who are recognised as such by national law or practice, in accordance with the Workers’ Representatives Convention, 1971.

2. The laws or regulations referred to in paragraph 1 shall determine the circumstances in which such variations and exemptions may be permitted and the conditions to which they shall be subject.

Article 2

1. It shall be prohibited to apply the variations and exemptions permitted pursuant to Article 1 above to women workers during a period before and after childbirth of at least 16 weeks, of which at least eight weeks shall be before the expected date of childbirth. National laws or regulations may allow for the lifting of this prohibition at the express request of the woman worker concerned on condition that neither her health nor that of her child will be endangered.

2. The prohibition provided for in paragraph 1 of this Article shall also apply to additional periods in respect of which a medical certificate is produced stating that this is necessary for the health of the mother or child:

- (a) during pregnancy;
- (b) during a specified time prolonging the period after childbirth fixed pursuant to paragraph 1 above.

3. During the periods referred to in paragraphs 1 and 2 of this Article:

- (a) a woman worker shall not be dismissed or given notice of dismissal, except for justifiable reasons not connected with pregnancy or childbirth;
- (b) the income of a woman worker concerned shall be maintained at a level sufficient for the upkeep of herself and her child in accordance with a suitable standard of living. This income maintenance may be ensured through assignment to day work, extended maternity leave, social security benefits or any other appropriate measure, or through a combination of these measures.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not have the effect of reducing the protection and benefits connected with maternity leave.

Article 3

Information on the variations and exemptions introduced pursuant to this Protocol shall be included in the reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.

Article 4

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification of the Protocol to the Director-General of the International Labour Office for registration. Such ratification shall take effect 12 months after the date on which it has been registered by the Director-General. Thereafter the Convention shall be binding on the Member concerned with the addition of Articles 1 to 3 of this Protocol.

2. The Director-General of the International Labour Office shall notify all Members of the International Labour Office of the registration of all ratifications of this Protocol communicated to him by parties to the Convention.

3. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications registered by him in accordance with the provisions of paragraph 1 of this Article.

Article 5

The English and French versions of the text of this Protocol are equally authoritative.

Night Work (Women) Convention (Revised), 1948 (No. 89)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	27 Feb 1951	San Francisco, ILC 31st Session (9 July 1948)	67 Denounced: 23

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work (Women) Convention, 1919, adopted by the Conference at its First Session, and the Night Work (Women) Convention (Revised), 1934, adopted by the Conference at its Eighteenth Session, which is the ninth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention.

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1948:

Part I. General provisions

Article 1

1. For the purpose of this Convention, the term *industrial undertakings* includes particularly:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in ship-building or in the generation, transformation or transmission of electricity or motive power of any kind;
- (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

For the purpose of this Convention the term *night* signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply:

- (a) in cases of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss.

Article 5

1. The prohibition of night work for women may be suspended by the government, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

2. Such suspension shall be notified by the government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

Article 8

This Convention does not apply to:

- (a) women holding responsible positions of a managerial or technical character; and
- (b) women employed in health and welfare services who are not ordinarily engaged in manual work.

Part II. Special provisions for certain countries

Article 9

In those countries where no government regulation as yet applies to the employment of women in industrial undertakings during the night, the term *night* may provisionally, and for a maximum period of three years, be declared by the government to signify a period of only ten hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning.

Articles 10

1. The provisions of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.

3. The term *industrial undertaking* shall include:

- (a) factories as defined in the Indian Factories Act; and
- (b) mines to which the Indian Mines Act applies.

Article 11

1. The provisions of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.

3. The term *industrial undertaking* shall include:

- (a) factories as defined in the Factories Act;
- (b) mines to which the Mines Act applies.

Article 12

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

Night Work of Women (Agriculture) Recommendation, 1921 (No. 13)

Status	Adoption
Technical instrument subject to a request for information	Geneva, ILC 3rd Session (15 Nov 1921)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the night work of women in agriculture, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Night Work of Women (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

The General Conference of the International Labour Organisation recommends:

That each Member of the International Labour Organisation take steps to regulate the employment of women wage-earners in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine hours, which shall, when possible, be consecutive.

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1. General provisions¹

Occupational Safety and Health Convention, 1981 (No. 155)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 Aug 1983	Geneva, ILC 67th Session (22 June 1981)	63

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and
 Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Occupational Safety and Health Convention, 1981:

Part I. Scope and definitions

Article 1

1. This Convention applies to all branches of economic activity.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, particular branches of economic activity, such as maritime shipping or fishing, in respect of which special problems of a substantial nature arise.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation, any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion and describing the measures taken to give adequate protection to workers in excluded branches, and shall indicate in subsequent reports any progress towards wider application.

Article 2

1. This Convention applies to all workers in the branches of economic activity covered.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, limited categories of workers in respect of which there are particular difficulties.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation, any limited categories of workers which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

1. Replaced recommendation: Occupational Health Services Recommendation, 1959 (No. 112)

Article 3

For the purpose of this Convention:

- (a) the term *branches of economic activity* covers all branches in which workers are employed, including the public service;
- (b) the term *workers* covers all employed persons, including public employees;
- (c) the term *workplace* covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;
- (d) the term *regulations* covers all provisions given force of law by the competent authority or authorities;
- (e) the term *health*, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

Part II. Principles of national policy*Article 4*

1. Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

2. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Article 5

The policy referred to in Article 4 of this Convention shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:

- (a) design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);
- (b) relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers;
- (c) training, including necessary further training, qualifications and motivations of persons involved, in one capacity or another, in the achievement of adequate levels of safety and health;
- (d) communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level;
- (e) the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.

Article 6

The formulation of the policy referred to in Article 4 of this Convention shall indicate the respective functions and responsibilities in respect of occupational safety and health and the working environment of public authorities, employers, workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice.

Article 7

The situation regarding occupational safety and health and the working environment shall be reviewed at appropriate intervals, either over-all or in respect of particular areas, with a view to identifying major problems, evolving effective methods for dealing with them and priorities of action, and evaluating results.

Part III. Action at the national level*Article 8*

Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to Article 4 of this Convention.

Article 9

1. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.
2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations.

Article 10

Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations.

Article 11

To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

- (a) the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;
- (b) the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorisation or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration;
- (c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;
- (d) the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;
- (e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work;
- (f) the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.

Article 12

Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use:

- (a) satisfy themselves that, so far as is reasonably practicable, the machinery, equipment or substance does not entail dangers for the safety and health of those using it correctly;
- (b) make available information concerning the correct installation and use of machinery and equipment and the correct use of substances, and information on hazards of machinery and equipment and dangerous properties of chemical substances and physical and biological agents or products, as well as instructions on how known hazards are to be avoided;
- (c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with subparagraphs (a) and (b) of this Article.

Article 13

A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.

Article 14

Measures shall be taken with a view to promoting in a manner appropriate to national conditions and practice, the inclusion of questions of occupational safety and health and the working environment at all levels of education and training, including higher technical, medical and professional education, in a manner meeting the training needs of all workers.

Article 15

1. With a view to ensuring the coherence of the policy referred to in Article 4 of this Convention and of measures for its application, each Member shall, after consultation at the earliest possible stage with the most representative organisations of employers and workers, and with other bodies as appropriate, make arrangements appropriate to national conditions and practice to ensure the necessary co-ordination between various authorities and bodies called upon to give effect to Parts II and III of this Convention.

2. Whenever circumstances so require and national conditions and practice permit, these arrangements shall include the establishment of a central body.

Part IV. Action at the level of the undertaking*Article 16*

1. Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health.

2. Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken.

3. Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.

Article 17

Whenever two or more undertakings engage in activities simultaneously at one work-place, they shall collaborate in applying the requirements of this Convention.

Article 18

Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements.

Article 19

There shall be arrangements at the level of the undertaking under which:

- (a) workers, in the course of performing their work, co-operate in the fulfilment by their employer of the obligations placed upon him;
- (b) representatives of workers in the undertaking co-operate with the employer in the field of occupational safety and health;
- (c) representatives of workers in an undertaking are given adequate information on measures taken by the employer to secure occupational safety and health and may consult their representative organisations about such information provided they do not disclose commercial secrets;
- (d) workers and their representatives in the undertaking are given appropriate training in occupational safety and health;
- (e) workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;
- (f) a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

Article 20

Co-operation between management and workers and/or their representatives within the undertaking shall be an essential element of organisational and other measures taken in pursuance of Articles 16 to 19 of this Convention.

Article 21

Occupational safety and health measures shall not involve any expenditure for the workers.

Part V. Final provisions*Article 22*

This Convention does not revise any international labour Conventions or Recommendations.

Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

Status	Entry into force	Adoption
Up-to-date technical instrument	9 Feb 2005	Geneva, ILC 90th Session (20 June 2002)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Noting the provisions of Article 11 of the Occupational Safety and Health Convention, 1981, (hereinafter referred to as “the Convention”), which states in particular that:

“To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

...

(c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;

...

(e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work”;

and

Having regard to the need to strengthen recording and notification procedures for occupational accidents and diseases and to promote the harmonization of recording and notification systems with the aim of identifying their causes and establishing preventive measures, and

Having decided upon the adoption of certain proposals with regard to the recording and notification of occupational accidents and diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a protocol to the Occupational Safety and Health Convention, 1981;

adopts this twentieth day of June two thousand and two the following Protocol, which may be cited as the Protocol of 2002 to the Occupational Safety and Health Convention, 1981.

I. Definitions

Article 1

For the purpose of this Protocol:

- (a) the term “occupational accident” covers an occurrence arising out of, or in the course of, work which results in fatal or non-fatal injury;
- (b) the term “occupational disease” covers any disease contracted as a result of an exposure to risk factors arising from work activity;

- (c) the term “dangerous occurrence” covers a readily identifiable event as defined under national laws and regulations, with potential to cause an injury or disease to persons at work or to the public;
- (d) the term “commuting accident” covers an accident resulting in death or personal injury occurring on the direct way between the place of work and:
 - (i) the worker’s principal or secondary residence; or
 - (ii) the place where the worker usually takes a meal; or
 - (iii) the place where the worker usually receives his or her remuneration.

II. Systems for recording and notification

Article 2

The competent authority shall, by laws or regulations or any other method consistent with national conditions and practice, and in consultation with the most representative organizations of employers and workers, establish and periodically review requirements and procedures for:

- (a) the recording of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
- (b) the notification of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.

Article 3

The requirements and procedures for recording shall determine:

- (a) the responsibility of employers:
 - (i) to record occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases;
 - (ii) to provide appropriate information to workers and their representatives concerning the recording system;
 - (iii) to ensure appropriate maintenance of these records and their use for the establishment of preventive measures; and
 - (iv) to refrain from instituting retaliatory or disciplinary measures against a worker for reporting an occupational accident, occupational disease, dangerous occurrence, commuting accident or suspected case of occupational disease;
- (b) the information to be recorded;
- (c) the duration for maintaining these records; and
- (d) measures to ensure the confidentiality of personal and medical data in the employer’s possession, in accordance with national laws and regulations, conditions and practice.

Article 4

The requirements and procedures for the notification shall determine:

- (a) the responsibility of employers:
 - (i) to notify the competent authorities or other designated bodies of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
 - (ii) to provide appropriate information to workers and their representatives concerning the notified cases;
- (b) where appropriate, arrangements for notification of occupational accidents and occupational diseases by insurance institutions, occupational health services, medical practitioners and other bodies directly concerned;

- (c) the criteria according to which occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases are to be notified; and
- (d) the time limits for notification.

Article 5

The notification shall include data on:

- (a) the enterprise, establishment and employer;
- (b) if applicable, the injured persons and the nature of the injuries or disease; and
- (c) the workplace, the circumstances of the accident or the dangerous occurrence and, in the case of an occupational disease, the circumstances of the exposure to health hazards.

III. National statistics

Article 6

Each Member which ratifies this Protocol shall, based on the notifications and other available information, publish annually statistics that are compiled in such a way as to be representative of the country as a whole, concerning occupational accidents, occupational diseases and, as appropriate, dangerous occurrences and commuting accidents, as well as the analyses thereof.

Article 7

The statistics shall be established following classification schemes that are compatible with the latest relevant international schemes established under the auspices of the International Labour Organization or other competent international organizations.

IV. Final provisions

Article 8

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which its ratification has been registered by the Director-General and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

Article 9

1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 25, by an act communicated to the Director-General of the International Labour Office for registration.

2. Denunciation of the Convention in accordance with its Article 25 by a Member which has ratified this Protocol shall *ipso jure* involve the denunciation of this Protocol.

3. Any denunciation of this Protocol in accordance with paragraphs 1 or 2 of this Article shall not take effect until one year after the date on which it is registered.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 12

The English and French versions of the text of this Protocol are equally authoritative.

Occupational Safety and Health Recommendation, 1981 (No. 164)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 67th Session (22 June 1981)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and

Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Occupational Safety and Health Convention, 1981,

adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one, the following Recommendation, which may be cited as the Occupational Safety and Health Recommendation, 1981:

I. Scope and definitions

1. (1) To the greatest extent possible, the provisions of the Occupational Safety and Health Convention, 1981, hereinafter referred to as the Convention, and of this Recommendation should be applied to all branches of economic activity and to all categories of workers.

(2) Provision should be made for such measures as may be necessary and practicable to give self-employed persons protection analogous to that provided for in the Convention and in this Recommendation.

2. For the purpose of this Recommendation:

- (a) the term *branches of economic activity* covers all branches in which workers are employed, including the public service;
- (b) the term *workers* covers all employed persons, including public employees;
- (c) the term *workplace* covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;

- (d) the term *regulations* covers all provisions given force of law by the competent authority or authorities;
- (e) the term *health*, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

II. Technical fields of action

3. As appropriate for different branches of economic activity and different types of work and taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken in pursuance of the policy referred to in Article 4 of the Convention, in particular in the following fields:

- (a) design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom;
- (b) lighting, ventilation, order and cleanliness of workplaces;
- (c) temperature, humidity and movement of air in the workplace;
- (d) design, construction, use, maintenance, testing and inspection of machinery and equipment liable to present hazards and, as appropriate, their approval and transfer;
- (e) prevention of harmful physical or mental stress due to conditions of work;
- (f) handling, stacking and storage of loads and materials, manually or mechanically;
- (g) use of electricity;
- (h) manufacture, packing, labelling, transport, storage and use of dangerous substances and agents, disposal of their wastes and residues, and, as appropriate, their replacement by other substances or agents which are not dangerous or which are less dangerous;
- (i) radiation protection;
- (j) prevention and control of, and protection against, occupational hazards due to noise and vibration;
- (k) control of the atmosphere and other ambient factors of workplaces;
- (l) prevention and control of hazards due to high and low barometric pressures;
- (m) prevention of fires and explosions and measures to be taken in case of fire or explosion;
- (n) design, manufacture, supply, use, maintenance and testing of personal protective equipment and protective clothing;
- (o) sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health;
- (p) first-aid treatment;
- (q) establishment of emergency plans;
- (r) supervision of the health of workers.

III. Action at the national level

4. With a view to giving effect to the policy referred to in Article 4 of the Convention, and taking account of the technical fields of action listed in Paragraph 3 of this Recommendation, the competent authority or authorities in each country should:

- (a) issue or approve regulations, codes of practice or other suitable provisions on occupational safety and health and the working environment, account being taken of the links existing between safety and health, on the one hand, and hours of work and rest breaks, on the other;
- (b) from time to time review legislative enactments concerning occupational safety and health and the working environment, and provisions issued or approved in pursuance of clause (a) of this Paragraph, in the light of experience and advances in science and technology;
- (c) undertake or promote studies and research to identify hazards and find means of overcoming them;
- (d) provide information and advice, in an appropriate manner, to employers and workers and promote or facilitate co-operation between them and their organisations, with a view to eliminating hazards or reducing them as far as practicable; where appropriate, a special training programme for migrant workers in their mother tongue should be provided;

- (e) provide specific measures to prevent catastrophes, and to co-ordinate and make coherent the actions to be taken at different levels, particularly in industrial zones where undertakings with high potential risks for workers and the surrounding population are situated;
- (f) secure good liaison with the International Labour Occupational Safety and Health Hazard Alert System set up within the framework of the International Labour Organisation;
- (g) provide appropriate measures for handicapped workers.

5. The system of inspection provided for in paragraph 1 of Article 9 of the Convention should be guided by the provisions of the Labour Inspection Convention, 1947, and the Labour Inspection (Agriculture) Convention, 1969, without prejudice to the obligations thereunder of Members which have ratified these instruments.

6. As appropriate, the competent authority or authorities should, in consultation with the representative organisations of employers and workers concerned, promote measures in the field of conditions of work consistent with the policy referred to in Article 4 of the Convention.

7. The main purposes of the arrangements referred to in Article 15 of the Convention should be to:

- (a) implement the requirements of Articles 4 and 7 of the Convention;
- (b) co-ordinate the exercise of the functions assigned to the competent authority or authorities in pursuance of Article 11 of the Convention and Paragraph 4 of this Recommendation;
- (c) co-ordinate activities in the field of occupational safety and health and the working environment which are exercised nationally, regionally or locally, by public authorities, by employers and their organisations, by workers' organisations and representatives, and by other persons or bodies concerned;
- (d) promote exchanges of views, information and experience at the national level, at the level of an industry or that of a branch of economic activity.

8. There should be close co-operation between public authorities and representative employers' and workers' organisations, as well as other bodies concerned in measures for the formulation and application of the policy referred to in Article 4 of the Convention.

9. The review referred to in Article 7 of the Convention should cover in particular the situation of the most vulnerable workers, for example, the handicapped.

IV. Action at the level of the undertaking

10. The obligations placed upon employers with a view to achieving the objective set forth in Article 16 of the Convention might include, as appropriate for different branches of economic activity and different types of work, the following:

- (a) to provide and maintain workplaces, machinery and equipment, and use work methods, which are as safe and without risk to health as is reasonably practicable;
- (b) to give necessary instructions and training, taking account of the functions and capacities of different categories of workers;
- (c) to provide adequate supervision of work, of work practices and of application and use of occupational safety and health measures;
- (d) to institute organisational arrangements regarding occupational safety and health and the working environment adapted to the size of the undertaking and the nature of its activities;
- (e) to provide, without any cost to the worker, adequate personal protective clothing and equipment which are reasonably necessary when hazards cannot be otherwise prevented or controlled;
- (f) to ensure that work organisation, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health;
- (g) to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue;
- (h) to undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with the foregoing clauses.

11. Whenever two or more undertakings engage in activities simultaneously at one workplace, they should collaborate in applying the provisions regarding occupational safety and health and the working environment, without prejudice to the responsibility of each undertaking for the health and

safety of its employees. In appropriate cases, the competent authority or authorities should prescribe general procedures for this collaboration.

12. (1) The measures taken to facilitate the co-operation referred to in Article 20 of the Convention should include, where appropriate and necessary, the appointment, in accordance with national practice, of workers' safety delegates, of workers' safety and health committees, and/or of joint safety and health committees; in joint safety and health committees workers should have at least equal representation with employers' representatives.

(2) Workers' safety delegates, workers' safety and health committees, and joint safety and health committees or, as appropriate, other workers' representatives should:

- (a) be given adequate information on safety and health matters, enabled to examine factors affecting safety and health, and encouraged to propose measures on the subject;
- (b) be consulted when major new safety and health measures are envisaged and before they are carried out, and seek to obtain the support of the workers for such measures;
- (c) be consulted in planning alterations of work processes, work content or organisation of work, which may have safety or health implications for the workers;
- (d) be given protection from dismissal and other measures prejudicial to them while exercising their functions in the field of occupational safety and health as workers' representatives or as members of safety and health committees;
- (e) be able to contribute to the decision-making process at the level of the undertaking regarding matters of safety and health;
- (f) have access to all parts of the workplace and be able to communicate with the workers on safety and health matters during working hours at the workplace;
- (g) be free to contact labour inspectors;
- (h) be able to contribute to negotiations in the undertaking on occupational safety and health matters;
- (i) have reasonable time during paid working hours to exercise their safety and health functions and to receive training related to these functions;
- (j) have recourse to specialists to advise on particular safety and health problems.

13. As necessary in regard to the activities of the undertaking and practicable in regard to size, provision should be made for:

- (a) the availability of an occupational health service and a safety service, within the undertaking, jointly with other undertakings, or under arrangements with an outside body;
- (b) recourse to specialists to advise on particular occupational safety or health problems or supervise the application of measures to meet them.

14. Employers should, where the nature of the operations in their undertakings warrants it, be required to set out in writing their policy and arrangements in the field of occupational safety and health, and the various responsibilities exercised under these arrangements, and to bring this information to the notice of every worker, in a language or medium the worker readily understands.

15. (1) Employers should be required to verify the implementation of applicable standards on occupational safety and health regularly, for instance by environmental monitoring, and to undertake systematic safety audits from time to time.

(2) Employers should be required to keep such records relevant to occupational safety and health and the working environment as are considered necessary by the competent authority or authorities; these might include records of all notifiable occupational accidents and injuries to health which arise in the course of or in connection with work, records of authorisation and exemptions under laws or regulations to supervision of the health of workers in the undertaking, and data concerning exposure to specified substances and agents.

16. The arrangements provided for in Article 19 of the Convention should aim at ensuring that workers:

- (a) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;
- (b) comply with instructions given for their own safety and health and those of others and with safety and health procedures;

- (c) use safety devices and protective equipment correctly and do not render them inoperative;
- (d) report forthwith to their immediate supervisor any situation which they have reason to believe could present a hazard and which they cannot themselves correct;
- (e) report any accident or injury to health which arises in the course of or in connection with work.

17. No measures prejudicial to a worker should be taken by reference to the fact that, in good faith, he complained of what he considered to be a breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of occupational safety and health and the working environment.

V. Relations to existing international labour conventions and recommendations

18. This Recommendation does not revise any international labour Recommendation.

19. (1) In the development and application of the policy referred to in Article 4 of the Convention and without prejudice to their obligations under Conventions they have ratified, Members should refer to the international labour Conventions and Recommendations listed in the Appendix.

(2) The Appendix may be modified by the International Labour Conference, by a two-thirds majority, in connection with the future adoption or revision of any Convention or Recommendation in the field of safety and health and the working environment.

ANNEX

List of instruments concerning occupational safety and health and the working environment adopted by the International Labour Conference since 1919

Year	Convention	Recommendation
1921	13. White Lead (Painting)	
1929	27. Marking of Weight (Packages Transported by Vessels)	
1937	62. Safety Provisions (Building)	53. Safety Provisions (Building)
1946	73. Medical Examinations (Seafarers) 77. Medical Examination Of Young Persons (Industry) 78. Medical Examination of Young Persons (Non-industrial Occupations)	79. Medical Examination of Young Persons
1947	81. Inspección del trabajo	81. Labour Inspection 82. Labour Inspection (Mining and Transport)
1949	92. Accommodation of Crews (Revised)	
1953		97. Protection of Workers' Health
1958		105. Ships' Medicine Chests 106. Medical Advice at Sea
1959	113. Medical Examination (Fishermen)	112. Occupational Health Services
1960	115. Radiation Protection	114. Radiation Protection
1963	119. Guarding of Machinery	118. Guarding of Machinery
1964	120. Hygiene (Commerce and Offices) 121. Employment Injury Benefits	120. Hygiene (Commerce and Offices) 121. Employment Injury Benefits
1965	124. Medical Examination of Young Persons (Underground Work)	
1967	127. Maximum Weight	128. Maximum Weight
1969	129. Labour Inspection (Agriculture)	133. Labour Inspection (Agriculture)
1970	133. Accommodation of Crews (Supplementary Provisions) 134. Prevention of Accidents (Seafarers)	140. Crew Accommodation (Air Conditioning) 141. Crew Accommodation (Noise Control) 142. Prevention of Accidents (Seafarers)
1971	136. Benzene	144. Benzene
1974	139. Occupational Cancer	147. Occupational Cancer
1977	148. Working Environment (Air Pollution, Noise and Vibration)	156. Working Environment (Air Pollution, Noise and Vibration)
1979	152. Occupational Safety and Health (Dock Work)	160. Occupational Safety and Health (Dock Work)

Occupational Health Services Convention, 1985 (No. 161)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	17 Feb 1988	Geneva, ILC 71st Session (26 June 1985)	31

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-first Session on 7 June 1985, and

Noting that the protection of the worker against sickness, disease and injury arising out of his employment is one of the tasks assigned to the International Labour Organisation under its Constitution,

Noting the relevant international labour Conventions and Recommendations, and in particular the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Workers' Representatives Convention, 1971, and the Occupational Safety and Health Convention and Recommendation, 1981, which establish the principles of national policy and action at the national level,

Having decided upon the adoption of certain proposals with regard to occupational health services, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-sixth day of June of the year one thousand nine hundred and eighty-five the following Convention, which may be cited as the Occupational Health Services Convention, 1985:

Part I. Principles of national policy

Article 1

For the purpose of this Convention-

- (a) the term ***occupational health services*** means services entrusted with essentially preventive functions and responsible for advising the employer, the workers and their representatives in the undertaking on:
 - (i) the requirements for establishing and maintaining a safe and healthy working environment which will facilitate optimal physical and mental health in relation to work;
 - (ii) the adaptation of work to the capabilities of workers in the light of their state of physical and mental health;
- (b) the term ***workers' representatives in the undertaking*** means persons who are recognised as such under national law or practice.

Article 2

In the light of national conditions and practice and in consultation with the most representative organisations of employers and workers, where they exist, each Member shall formulate, implement and periodically review a coherent national policy on occupational health services.

Article 3

1. Each Member undertakes to develop progressively occupational health services for all workers, including those in the public sector and the members of production co-operatives,

in all branches of economic activity and all undertakings. The provision made should be adequate and appropriate to the specific risks of the undertakings.

2. If occupational health services cannot be immediately established for all undertakings, each Member concerned shall draw up plans for the establishment of such services in consultation with the most representative organisations of employers and workers, where they exist.

3. Each Member concerned shall indicate, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, the plans drawn up pursuant to paragraph 2 of this Article, and indicate in subsequent reports any progress in their application.

Article 4

The competent authority shall consult the most representative organisations of employers and workers, where they exist, on the measures to be taken to give effect to the provisions of this Convention.

Part II. Functions

Article 5

Without prejudice to the responsibility of each employer for the health and safety of the workers in his employment, and with due regard to the necessity for the workers to participate in matters of occupational health and safety, occupational health services shall have such of the following functions as are adequate and appropriate to the occupational risks of the undertaking:

- (a) identification and assessment of the risks from health hazards in the workplace;
- (b) surveillance of the factors in the working environment and working practices which may affect workers' health, including sanitary installations, canteens and housing where these facilities are provided by the employer;
- (c) advice on planning and organisation of work, including the design of workplaces, on the choice, maintenance and condition of machinery and other equipment and on substances used in work;
- (d) participation in the development of programmes for the improvement of working practices as well as testing and evaluation of health aspects of new equipment;
- (e) advice on occupational health, safety and hygiene and on ergonomics and individual and collective protective equipment;
- (f) surveillance of workers' health in relation to work;
- (g) promoting the adaptation of work to the worker;
- (h) contribution to measures of vocational rehabilitation;
- (i) collaboration in providing information, training and education in the fields of occupational health and hygiene and ergonomics;
- (j) organising of first aid and emergency treatment;
- (k) participation in analysis of occupational accidents and occupational diseases.

Part III. Organisation

Article 6

Provision shall be made for the establishment of occupational health services-

- (a) by laws or regulations; or

- (b) by collective agreements or as otherwise agreed upon by the employers and workers concerned; or
- (c) in any other manner approved by the competent authority after consultation with the representative organisations of employers and workers concerned.

Article 7

1. Occupational health services may be organised as a service for a single undertaking or as a service common to a number of undertakings, as appropriate.

2. In accordance with national conditions and practice, occupational health services may be organised by:

- (a) the undertakings or groups of undertakings concerned;
- (b) public authorities or official services;
- (c) social security institutions;
- (d) any other bodies authorised by the competent authority;
- (e) a combination of any of the above.

Article 8

The employer, the workers and their representatives, where they exist, shall cooperate and participate in the implementation of the organisational and other measures relating to occupational health services on an equitable basis.

Part IV. Conditions of operation

Article 9

1. In accordance with national law and practice, occupational health services should be multidisciplinary. The composition of the personnel shall be determined by the nature of the duties to be performed.

2. Occupational health services shall carry out their functions in co-operation with the other services in the undertaking.

3. Measures shall be taken, in accordance with national law and practice, to ensure adequate co-operation and co-ordination between occupational health services and, as appropriate, other bodies concerned with the provision of health services.

Article 10

The personnel providing occupational health services shall enjoy full professional independence from employers, workers, and their representatives, where they exist, in relation to the functions listed in Article 5.

Article 11

The competent authority shall determine the qualifications required for the personnel providing occupational health services, according to the nature of the duties to be performed and in accordance with national law and practice.

Article 12

The surveillance of workers' health in relation to work shall involve no loss of earnings for them, shall be free of charge and shall take place as far as possible during working hours.

Article 13

All workers shall be informed of health hazards involved in their work.

Article 14

Occupational health services shall be informed by the employer and workers of any known factors and any suspected factors in the working environment which may affect the workers' health.

Article 15

Occupational health services shall be informed of occurrences of ill health amongst workers and absence from work for health reasons, in order to be able to identify whether there is any relation between the reasons for ill health or absence and any health hazards which may be present at the workplace. Personnel providing occupational health services shall not be required by the employer to verify the reasons for absence from work.

Part V. General provisions*Article 16*

National laws or regulations shall designate the authority or authorities responsible both for supervising the operation of and for advising occupational health services once they have been established.

Occupational Health Services Recommendation, 1985 (No. 171)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 71st Session (26 June 1985)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-first Session on 7 June 1985, and

Noting that the protection of the worker against sickness, disease and injury arising out of his employment is one of the tasks assigned to the International Labour Organisation under its Constitution,

Noting the relevant international labour Conventions and Recommendations, and in particular the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Workers' Representatives Convention, 1971, and the Occupational Safety and Health Convention and Recommendation, 1981, which establish the principles of national policy and action at the national level, and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Office,

Having decided upon the adoption of certain proposals with regard to occupational health services, which is the fourth item on the agenda of the session, and

Having determined that proposals shall take the form of a Recommendation supplementing the Occupational Health Services Convention, 1985:

adopts this twenty-sixth day of June of the year one thousand nine hundred and eighty-five, the following Recommendation, which may be cited as the Occupational Health Services Recommendation, 1985:

I. Principles of national policy

1. Each Member should, in the light of national conditions and practice and in consultation with the most representative organisations of employers and workers, where they exist, formulate, implement and periodically review a coherent national policy on occupational health services, which should include general principles governing their functions, organisation and operation.

2. (1) Each Member should develop progressively occupational health services for all workers, including those in the public sector and the members of production co-operatives, in all branches of economic activity and all undertakings. The provision made should be adequate and appropriate to the specific health risks of the undertakings.

(2) Provision should also be made for such measures as may be necessary and reasonably practicable to make available to self-employed persons protection analogous to that provided for in the Occupational Health Services Convention, 1985, and in this Recommendation.

II. Functions

3. The role of occupational health services should be essentially preventive.

4. Occupational health services should establish a programme of activity adapted to the undertaking or undertakings they serve, taking into account in particular the occupational hazards in the working environment as well as the problems specific to the branches of economic activity concerned.

A. Surveillance of the working environment

5. (1) The surveillance of the working environment should include:

- (a) identification and evaluation of the environmental factors which may affect the workers' health;
- (b) assessment of conditions of occupational hygiene and factors in the organisation of work which may give rise to risks for the health of workers;
- (c) assessment of collective and personal protective equipment;
- (d) assessment where appropriate of exposure of workers to hazardous agents by valid and generally accepted monitoring methods;
- (e) assessment of control systems designed to eliminate or reduce exposure.

(2) Such surveillance should be carried out in liaison with the other technical services of the undertaking and in co-operation with the workers concerned and their representatives in the undertaking or the safety and health committee, where they exist.

6. (1) In accordance with national law and practice, data resulting from the surveillance of the working environment should be recorded in an appropriate manner and be available to the employer, the workers and their representatives in the undertaking concerned or the safety and health committee, where they exist.

(2) These data should be used on a confidential basis and solely to provide guidance and advice on measures to improve the working environment and the health and safety of workers.

(3) The competent authority should have access to these data. They may only be communicated by the occupational health service to others with the agreement of the employer and the workers or their representatives in the undertaking or the safety and health committee, where they exist.

7. The surveillance of the working environment should entail such visits by the personnel providing occupational health services as may be necessary to examine the factors in the working environment which may affect the workers' health, the environmental health conditions at the workplace and the working conditions.

8. Occupational health services should:

- (a) carry out monitoring of workers' exposure to special health hazards, when necessary;
- (b) supervise sanitary installations and other facilities for the workers, such as drinking water, canteens and living accommodation, when provided by the employer;
- (c) advise on the possible impact on the workers' health of the use of technologies;
- (d) participate in and advise on the selection of the equipment necessary for the personal protection of the workers against occupational hazards;

- (e) collaborate in job analysis and in the study of organisation and methods of work with a view to securing a better adaptation of work to the workers;
- (f) participate in the analysis of occupational accidents and occupational diseases and in accident prevention programmes.

9. Personnel providing occupational health services should, after informing the employer, workers and their representatives, where appropriate:

- (a) have free access to all workplaces and to the installations the undertaking provides for the workers;
- (b) have access to information concerning the processes, performance standards, products, materials and substances used or whose use is envisaged, subject to their preserving the confidentiality of any secret information they may learn which does not affect the health of workers;
- (c) be able to take for the purpose of analysis samples of products, materials and substances used or handled.

10. Occupational health services should be consulted concerning proposed modifications in the work processes or in the conditions of work liable to have an effect on the health or safety of workers.

B. Surveillance of the workers' health

11. (1) Surveillance of the workers' health should include, in the cases and under the conditions specified by the competent authority, all assessments necessary to protect the health of the workers, which may include:

- (a) health assessment of workers before their assignment to specific tasks which may involve a danger to their health or that of others;
- (b) health assessment at periodic intervals during employment which involves exposure to a particular hazard to health;
- (c) health assessment on resumption of work after a prolonged absence for health reasons for the purpose of determining its possible occupational causes, of recommending appropriate action to protect the workers and of determining the worker's suitability for the job and needs for reassignment and rehabilitation;
- (d) health assessment on and after the termination of assignments involving hazards which might cause or contribute to future health impairment.

(2) Provisions should be adopted to protect the privacy of the workers and to ensure that health surveillance is not used for discriminatory purposes or in any other manner prejudicial to their interests.

12. (1) In the case of exposure of workers to specific occupational hazards, in addition to the health assessments provided for in Paragraph 11 of this Recommendation, the surveillance of the workers' health should include, where appropriate, any examinations and investigations which may be necessary to detect exposure levels and early biological effects and responses.

(2) When a valid and generally accepted method of biological monitoring of the workers' health for the early detection of the effects on health of exposure to specific occupational hazards exists, it may be used to identify workers who need a detailed medical examination, subject to the individual worker's consent.

13. Occupational health services should be informed of occurrences of ill health amongst workers and absences from work for health reasons, in order to be able to identify whether there is any relation between the reasons for ill health or absence and any health hazards which may be present at the workplace. Personnel providing occupational health services should not be required by the employer to verify the reasons for absence from work.

14. (1) Occupational health services should record data on workers' health in personal confidential health files. These files should also contain information on jobs held by the workers, on exposure to occupational hazards involved in their work, and on the results of any assessments of workers' exposure to these hazards.

(2) The personnel providing occupational health services should have access to personal health files only to the extent that the information contained in the files is relevant to the performance of

their duties. Where the files contain personal information covered by medical confidentiality this access should be restricted to medical personnel.

(3) Personal data relating to health assessments may be communicated to others only with the informed consent of the worker concerned.

15. The conditions under which, and time during which, personal health files should be kept, the conditions under which they may be communicated or transferred and the measures necessary to keep them confidential, in particular when the information they contain is placed on computer, should be prescribed by national laws or regulations or by the competent authority or, in accordance with national practice, governed by recognised ethical guide-lines.

16. (1) On completing a prescribed medical examination for the purpose of determining fitness for work involving exposure to a particular hazard, the physician who has carried out the examination should communicate his conclusions in writing to both the worker and the employer.

(2) These conclusions should contain no information of a medical nature; they might, as appropriate, indicate fitness for the proposed assignment or specify the kinds of jobs and the conditions of work which are medically contra-indicated, either temporarily or permanently.

17. Where the continued employment of a worker in a particular job is contra-indicated for health reasons, the occupational health service should collaborate in efforts to find alternative employment for him in the undertaking, or another appropriate solution.

18. Where an occupational disease has been detected through the surveillance of the worker's health, it should be notified to the competent authority in accordance with national law and practice. The employer, workers and workers' representatives should be informed that this notification has been carried out.

C. Information, education, training, advice

19. Occupational health services should participate in designing and implementing programmes of information, education and training on health and hygiene in relation to work for the personnel of the undertaking.

20. Occupational health services should participate in the training and regular retraining of first-aid personnel and in the progressive and continuing training of all workers in the undertaking who contribute to occupational safety and health.

21. With a view to promoting the adaptation of work to the workers and improving the working conditions and environment, occupational health services should act as advisers on occupational health and hygiene and ergonomics to the employer, the workers and their representatives in the undertaking and the safety and health committee, where they exist, and should collaborate with bodies already operating as advisers in this field.

22. (1) Each worker should be informed in an adequate and appropriate manner of the health hazards involved in his work, of the results of the health examinations he has undergone and of the assessment of his health.

(2) Each worker should have the right to have corrected any data which are erroneous or which might lead to error.

(3) In addition, occupational health services should provide workers with personal advice concerning their health in relation to their work.

D. First aid, treatment and health programmes

23. Taking into account national law and practice, occupational health services in undertakings should provide first-aid and emergency treatment in cases of accident or indisposition of workers at the workplace and should collaborate in the organisation of first aid.

24. Taking into account the organisation of preventive medicine at the national level, occupational health services might, where possible and appropriate:

- (a) carry out immunisations in respect of biological hazards in the working environment;
- (b) take part in campaigns for the protection of health;
- (c) collaborate with the health authorities within the framework of public health programmes.

25. Taking into account national law and practice and after consultation with the most representative organisations of employers and workers, where they exist, the competent authority should, where necessary, authorise occupational health services, in agreement with all concerned, including the worker and his own doctor or a primary health care service, where applicable, to undertake or to participate in one or more of the following functions:

- (a) treatment of workers who have not stopped work or who have resumed work after an absence;
- (b) treatment of the victims of occupational accidents;
- (c) treatment of occupational diseases and of health impairment aggravated by work;
- (d) medical aspects of vocational re-education and rehabilitation.

26. Taking into account national law and practice concerning the organisation of health care, and distance from clinics, occupational health services might engage in other health activities, including curative medical care for workers and their families, as authorized by the competent authority in consultation with the most representative organisations of employers and workers, where they exist.

27. Occupational health services should co-operate with the other services concerned in the establishment of emergency plans for action in the case of major accidents.

E. Other functions

28. Occupational health services should analyse the results of the surveillance of the workers' health and of the working environment, as well as the results of biological monitoring and of personal monitoring of workers' exposure to occupational hazards, where they exist, with a view to assessing possible connections between exposure to occupational hazards and health impairment and to proposing measures for improving the working conditions and environment.

29. Occupational health services should draw up plans and reports at appropriate intervals concerning their activities and health conditions in the undertaking. These plans and reports should be made available to the employer and the workers' representatives in the undertaking or the safety and health committee, where they exist, and be available to the competent authority.

30. (1) Occupational health services, in consultation with the employers' and the workers' representatives, should contribute to research, within the limits of their resources, by participating in studies or inquiries in the undertaking or in the relevant branch of economic activity, for example, with a view to collecting data for epidemiological purposes and orienting their activities.

(2) The results of the measurements carried out in the working environment and of the assessments of the workers' health may be used for research purposes, subject to the provisions of Paragraphs 6(3), 11(2) and 14(3) of this Recommendation.

31. Occupational health services should participate with other services in the undertaking, as appropriate, in measures to prevent its activities from having an adverse effect on the general environment.

III. Organisation

32. Occupational health services should, as far as possible, be located within or near the place of employment, or should be organised in such a way as to ensure that their functions are carried out at the place of employment.

33. (1) The employer, the workers and their representatives, where they exist, should co-operate and participate in the implementation of the organisational and other measures relating to occupational health services on an equitable basis.

(2) In conformity with national conditions and practice, employers and workers or their representatives in the undertaking or the safety and health committee, where they exist, should participate in decisions affecting the organisation and operation of these services, including those relating to the employment of personnel and the planning of the service's programmes.

34. (1) Occupational health services may be organised as a service within a single undertaking or as a service common to a number of undertakings, as appropriate.

(2) In accordance with national conditions and practice, occupational health services may be organised by:

- (a) the undertakings or groups of undertakings concerned;
- (b) the public authorities or official services;
- (c) social security institutions;
- (d) any other bodies authorised by the competent authority;
- (e) a combination of any of the above.

(3) The competent authority should determine the circumstances in which, in the absence of an occupational health service, appropriate existing services may, as an interim measure, be recognised as authorised bodies in accordance with subparagraph 2(d) of this Paragraph.

35. In situations where the competent authority, after consulting the representative organisations of employers and workers concerned, where they exist, has determined that the establishment of an occupational health service, or access to such a service, is impracticable, undertakings should, as an interim measure, make arrangements, after consulting the workers' representatives in the undertaking or the safety and health committee, where they exist, with a local medical service for carrying out the health examinations prescribed by national laws or regulations, providing surveillance of the environmental health conditions in the undertaking and ensuring that first-aid and emergency treatment are properly organised.

IV. Conditions of operation

36. (1) In accordance with national law and practice, occupational health services should be made up of multidisciplinary teams whose composition should be determined by the nature of the duties to be performed.

(2) Occupational health services should have sufficient technical personnel with specialised training and experience in such fields as occupational medicine, occupational hygiene, ergonomics, occupational health nursing and other relevant fields. They should, as far as possible, keep themselves up to date with progress in the scientific and technical knowledge necessary to perform their duties and should be given the opportunity to do so without loss of earnings.

(3) The occupational health services should, in addition, have the necessary administrative personnel for their operation.

37. (1) The professional independence of the personnel providing occupational health services should be safeguarded. In accordance with national law and practice, this might be done through laws or regulations and appropriate consultations between the employer, the workers, and their representatives and the safety and health committees, where they exist.

(2) The competent authority should, where appropriate and in accordance with national law and practice, specify the conditions for the engagement and termination of employment of the personnel of occupational health services in consultation with the representative organisations of employers and workers concerned.

38. Each person who works in an occupational health service should be required to observe professional secrecy as regards both medical and technical information which may come to his knowledge in connection with his functions and the activities of the service, subject to such exceptions as may be provided for by national laws or regulations.

39. (1) The competent authority may prescribe standards for the premises and equipment necessary for occupational health services to exercise their functions.

(2) Occupational health services should have access to appropriate facilities for carrying out the analyses and tests necessary for surveillance of the workers' health and of the working environment.

40. (1) Within the framework of a multidisciplinary approach, occupational health services should collaborate with:

- (a) those services which are concerned with the safety of workers in the undertaking;
- (b) the various production units, or departments, in order to help them in formulating and implementing relevant preventive programmes;
- (c) the personnel department and other departments concerned;

(d) the workers' representatives in the undertaking, workers' safety representatives and the safety and health committee, where they exist.

(2) Occupational health services and occupational safety services might be organised together, where appropriate.

41. Occupational health services should also, where necessary, have contacts with external services and bodies dealing with questions of health, hygiene, safety, vocational rehabilitation, retraining and reassignment, working conditions and the welfare of workers, as well as with inspection services and with the national body which has been designated to take part in the International Occupational Safety and Health Hazard Alert System set up within the framework of the International Labour Organisation.

42. The person in charge of an occupational health service should be able, in accordance with the provisions of Paragraph 38, to consult the competent authority, after informing the employer and the workers' representatives in the undertaking or the safety and health committee, where they exist, on the implementation of occupational safety and health standards in the undertaking.

43. The occupational health services of a national or multinational enterprise with more than one establishment should provide the highest standard of services, without discrimination, to the workers in all its establishments, regardless of the place or country in which they are situated.

V. General provisions

44. (1) Within the framework of their responsibility for their employees' health and safety, employers should take all necessary measures to facilitate the execution of the duties of occupational health services.

(2) Workers and their organisations should provide support to the occupational health services in the execution of their duties.

45. The occupational health-related facilities provided by the occupational health services should not involve any expense to the worker.

46. In cases where occupational health services are established and their functions specified by national laws or regulations, the manner of financing these services should also be so determined.

47. For the purpose of this Recommendation the term *workers' representatives in the undertaking* means persons who are recognised as such under national law or practice.

48. This Recommendation, which supplements the Occupational Health Services Convention, 1985, supersedes the Occupational Health Services Recommendation, 1959.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	20 Feb 2009	Geneva, ILC 95th Session (15 June 2006)	31

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006,

Recognizing the global magnitude of occupational injuries, diseases and deaths, and the need for further action to reduce them, and

Recalling that the protection of workers against sickness, disease and injury arising out of employment is among the objectives of the International Labour Organization as set out in its Constitution, and

Recognizing that occupational injuries, diseases and deaths have a negative effect on productivity and on economic and social development, and

Noting paragraph III(g) of the Declaration of Philadelphia, which provides that the International Labour Organization has the solemn obligation to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations, and

Mindful of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998, and

Noting the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and other instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health, and

Recalling that the promotion of occupational safety and health is part of the International Labour Organization's agenda of decent work for all, and

Recalling the Conclusions concerning ILO standards-related activities in the area of occupational safety and health – a global strategy, adopted by the International Labour Conference at its 91st Session (2003), in particular relating to ensuring that priority be given to occupational safety and health in national agendas, and

Stressing the importance of the continuous promotion of a national preventative safety and health culture, and

Having decided upon the adoption of certain proposals with regard to occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this fifteenth day of June of the year two thousand and six the following Convention, which may be cited as the Promotional Framework for Occupational Safety and Health Convention, 2006.

I. Definitions

Article 1

For the purpose of this Convention:

- (a) the term ***national policy*** refers to the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155);
- (b) the term ***national system for occupational safety and health*** or ***national system*** refers to the infrastructure which provides the main framework for implementing the national policy and national programmes on occupational safety and health;
- (c) the term ***national programme on occupational safety and health*** or ***national programme*** refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to improve occupational safety and health, and means to assess progress;
- (d) the term ***a national preventative safety and health culture*** refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy

working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

II. Objective

Article 2

1. Each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme.

2. Each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational safety and health by taking into account the principles set out in instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health.

3. Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

III. National policy

Article 3

1. Each Member shall promote a safe and healthy working environment by formulating a national policy.

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

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

IV. National system

Article 4

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

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

- (a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;
- (b) an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;
- (c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection; and

(d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.

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

- (a) a national tripartite advisory body, or bodies, addressing occupational safety and health issues;
- (b) information and advisory services on occupational safety and health;
- (c) the provision of occupational safety and health training;
- (d) occupational health services in accordance with national law and practice;
- (e) research on occupational safety and health;
- (f) a mechanism for the collection and analysis of data on occupational injuries and diseases, taking into account relevant ILO instruments;
- (g) provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
- (h) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

V. National programme

Article 5

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

2. The national programme shall:

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

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

VI. Final provisions

Article 6

This Convention does not revise any international labour Conventions or Recommendations.

Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 95th Session (15 June 2006)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006,

Having decided upon the adoption of certain proposals with regard to occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Promotional Framework for Occupational Safety and Health Convention, 2006 (hereinafter referred to as “the Convention”);

adopts this fifteenth day of June of the year two thousand and six the following Recommendation, which may be cited as the Promotional Framework for Occupational Safety and Health Recommendation, 2006.

I. National policy

1. The national policy formulated under Article 3 of the Convention should take into account Part II of the Occupational Safety and Health Convention, 1981 (No. 155), as well as the relevant rights, duties and responsibilities of workers, employers and governments in that Convention.

II. National system

2. In establishing, maintaining, progressively developing and periodically reviewing the national system for occupational safety and health defined in Article 1(b) of the Convention, Members:

- (a) should take into account the instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health listed in the Annex to this Recommendation, in particular the Occupational Safety and Health Convention, 1981 (No. 155), the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and
- (b) may extend the consultations provided for in Article 4(1) of the Convention to other interested parties.

3. With a view to preventing occupational injuries, diseases and deaths, the national system should provide appropriate measures for the protection of all workers, in particular, workers in high-risk sectors, and vulnerable workers such as those in the informal economy and migrant and young workers.

4. Members should take measures to protect the safety and health of workers of both genders, including the protection of their reproductive health.

5. In promoting a national preventative safety and health culture as defined in Article 1(d) of the Convention, Members should seek:

- (a) to raise workplace and public awareness on occupational safety and health through national campaigns linked with, where appropriate, workplace and international initiatives;
- (b) to promote mechanisms for delivery of occupational safety and health education and training, in particular for management, supervisors, workers and their representatives and government officials responsible for safety and health;
- (c) to introduce occupational safety and health concepts and, where appropriate, competencies, in educational and vocational training programmes;
- (d) to facilitate the exchange of occupational safety and health statistics and data among relevant authorities, employers, workers and their representatives;

- (e) to provide information and advice to employers and workers and their respective organizations and to promote or facilitate cooperation among them with a view to eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks;
- (f) to promote, at the level of the workplace, the establishment of safety and health policies and joint safety and health committees and the designation of workers' occupational safety and health representatives, in accordance with national law and practice; and
- (g) to address the constraints of micro-enterprises and small and medium-sized enterprises and contractors in the implementation of occupational safety and health policies and regulations, in accordance with national law and practice.

6. Members should promote a management systems approach to occupational safety and health, such as the approach set out in the Guidelines on occupational safety and health management systems (ILO-OSH 2001).

III. National programme

7. The national programme on occupational safety and health as defined in Article 1(c) of the Convention should be based on principles of assessment and management of hazards and risks, in particular at the workplace level.

8. The national programme should identify priorities for action, which should be periodically reviewed and updated.

9. In formulating and reviewing the national programme, Members may extend the consultations provided for in Article 5(1) of the Convention to other interested parties.

10. With a view to giving effect to the provisions of Article 5 of the Convention, the national programme should actively promote workplace prevention measures and activities that include the participation of employers, workers and their representatives.

11. The national programme on occupational safety and health should be coordinated, where appropriate, with other national programmes and plans, such as those relating to public health and economic development.

12. In formulating and reviewing the national programme, Members should take into account the instruments of the ILO relevant to the promotional framework for occupational safety and health, listed in the Annex to this Recommendation, without prejudice to their obligations under Conventions that they have ratified.

IV. National profile

13. Members should prepare and regularly update a national profile which summarizes the existing situation on occupational safety and health and the progress made towards achieving a safe and healthy working environment. The profile should be used as a basis for formulating and reviewing the national programme.

14. (1) The national profile on occupational safety and health should include information on the following elements, as applicable:

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

- (h) the occupational health services in accordance with national law and practice;
 - (i) research on occupational safety and health;
 - (j) the mechanism for the collection and analysis of data on occupational injuries and diseases and their causes, taking into account relevant ILO instruments;
 - (k) the provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
 - (l) the support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.
- (2) In addition, the national profile on occupational safety and health should include information on the following elements, where appropriate:
- (a) coordination and collaboration mechanisms at national and enterprise levels, including national programme review mechanisms;
 - (b) technical standards, codes of practice and guidelines on occupational safety and health;
 - (c) educational and awareness-raising arrangements, including promotional initiatives;
 - (d) specialized technical, medical and scientific institutions with linkages to various aspects of occupational safety and health, including research institutes and laboratories concerned with occupational safety and health;
 - (e) personnel engaged in the area of occupational safety and health, such as inspectors, safety and health officers, and occupational physicians and hygienists;
 - (f) occupational injury and disease statistics;
 - (g) occupational safety and health policies and programmes of organizations of employers and workers;
 - (h) regular or ongoing activities related to occupational safety and health, including international collaboration;
 - (i) financial and budgetary resources with regard to occupational safety and health; and
 - (j) data addressing demography, literacy, economy and employment, as available, as well as any other relevant information.

V. International cooperation and exchange of information

15. The International Labour Organization should:

- (a) facilitate international technical cooperation on occupational safety and health with a view to assisting countries, particularly developing countries, for the following purposes:
 - (i) to strengthen their capacity for the establishment and maintenance of a national preventative safety and health culture;
 - (ii) to promote a management systems approach to occupational safety and health; and
 - (iii) to promote the ratification, in the case of Conventions, and implementation of instruments of the ILO relevant to the promotional framework for occupational safety and health, listed in the Annex to this Recommendation;
- (b) facilitate the exchange of information on national policies within the meaning of Article 1(a) of the Convention, on national systems and programmes on occupational safety and health, including on good practices and innovative approaches, and on the identification of new and emerging hazards and risks in the workplace; and
- (c) provide information on progress made towards achieving a safe and healthy working environment.

VI. Updating of the annex

16. The Annex to this Recommendation should be reviewed and updated by the Governing Body of the International Labour Office. Any revised annex so established shall be adopted by the Governing Body and shall replace the preceding annex after having been communicated to the Members of the International Labour Organization.

ANNEX

Instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health

I. Conventions

- Labour Inspection Convention, 1947 (No. 81)
- Radiation Protection Convention, 1960 (No. 115)
- Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- Employment Injury Benefits Convention, 1964 (No. 121)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Occupational Cancer Convention, 1974 (No. 139)
- Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
- Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Occupational Health Services Convention, 1985 (No. 161)
- Asbestos Convention, 1986 (No. 162)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Chemicals Convention, 1990 (No. 170)
- Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)
- Safety and Health in Agriculture Convention, 2001 (No. 184)
- Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

II. Recommendations

- Labour Inspection Recommendation, 1947 (No. 81)
- Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)
- Protection of Workers' Health Recommendation, 1953 (No. 97)
- Welfare Facilities Recommendation, 1956 (No. 102)
- Radiation Protection Recommendation, 1960 (No. 114)
- Workers' Housing Recommendation, 1961 (No. 115)
- Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
- Employment Injury Benefits Recommendation, 1964 (No. 121)
- Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)
- Occupational Cancer Recommendation, 1974 (No. 147)
- Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
- Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)
- Occupational Safety and Health Recommendation, 1981 (No. 164)
- Occupational Health Services Recommendation, 1985 (No. 171)
- Asbestos Recommendation, 1986 (No. 172)
- Safety and Health in Construction Recommendation, 1988 (No. 175)
- Chemicals Recommendation, 1990 (No. 177)
- Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)
- Safety and Health in Mines Recommendation, 1995 (No. 183)
- Safety and Health in Agriculture Recommendation, 2001 (No. 192)

Protection of Workers' Health Recommendation, 1953 (No. 97)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 36th Session (25 June 1953)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Thirty-sixth Session on 4 June 1953, and
 Having decided upon the adoption of certain proposals with regard to the protection of the health
 of workers in places of employment, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-three,
 the following Recommendation, which may be cited as the Protection of Workers' Health
 Recommendation, 1953:

I. Technical measures for the control of risks to the health of workers

1. National laws or regulations should provide for methods of preventing, reducing or eliminating risks to health in places of employment, including methods which may be applied, as necessary and appropriate, in connection with special risks of injury to health.

2. All appropriate measures should be taken by the employer to ensure that the general conditions prevailing in places of employment are such as to provide adequate protection of the health of the workers concerned, and in particular that:

- (a) dirt and refuse do not accumulate so as to cause risk of injury to health;
- (b) the floor space and height of workrooms are sufficient to prevent overcrowding of workers, or congestion owing to machinery, materials or products;
- (c) adequate and suitable lighting, natural or artificial, or both, is provided;
- (d) suitable atmospheric conditions are maintained so as to avoid insufficient air supply and movement, vitiated air, harmful draughts, sudden variations in temperature, and, so far as is practicable, excessive humidity, excessive heat or cold, and objectionable odours;
- (e) sufficient and suitable sanitary conveniences and washing facilities, and adequate supplies of wholesome drinking water, are provided in suitable places and properly maintained;
- (f) in cases where it is necessary for workers to change their clothing when commencing or ceasing work, changing rooms or other suitable facilities for the changing and storage of clothing are provided and properly maintained;
- (g) in cases where the workers are prohibited from consuming food or drink at their workplaces, there is on the premises suitable accommodation for taking meals, unless appropriate arrangements exist for the workers to take their meals elsewhere;
- (h) measures are taken to eliminate or reduce as far as possible noise and vibrations which constitute a danger to the health of workers;
- (i) provision is made for the storage under safe conditions of dangerous substances.

3. (1) With a view to preventing, reducing or eliminating risks to health in places of employment, all appropriate and practicable measures should be taken:

- (a) to substitute harmless or less harmful substances, processes or techniques for harmful substances, processes or techniques;
- (b) to prevent the liberation of harmful substances and to shield workers from harmful radiations;
- (c) to carry out hazardous processes in separate rooms or buildings occupied by a minimum number of workers;
- (d) to carry out hazardous processes in enclosed apparatus, so as to prevent personal contact with harmful substances and the escape into the air of the workroom of dusts, fumes, gases, fibres, mists or vapours, in quantities liable to injure health;

- (e) to remove, at or near their point of origin, by mechanical exhaust, ventilation systems or other suitable means, harmful dusts, fumes, gases, fibres, mists or vapours, where exposure to them cannot be prevented in one or more of the ways referred to in clauses (a) to (d) of this subparagraph;
- (f) to provide the workers with such protective clothing and equipment and other means of personal protection as may be necessary to shield them from the effects of harmful agents, where other measures to protect the health of workers against these agents are impracticable or are not sufficient to ensure adequate protection, and to instruct the workers in the use thereof.

(2) Where the use of protective clothing and equipment referred to in clause (f) above is necessary because of the special risks attaching to the occupation, such clothing and equipment should be supplied, cleaned and maintained by the employer; where such protective clothing or equipment may be contaminated by poisonous or dangerous substances it should, at all times when not required for use at work or for cleaning or maintenance by the employer, be kept in entirely separate accommodation, where it will not be liable to contaminate the ordinary clothing of the worker.

(3) National authorities should promote, and where appropriate undertake, study of the measures mentioned in subparagraph (1) of this Paragraph, and encourage the application of the results of such study. Such studies should also be undertaken by employers on a voluntary basis.

4. (1) The workers should be informed:

- (a) of the necessity of the measures of protection mentioned in Paragraphs 2 and 3 above;
- (b) of their obligation to co-operate in and not to disturb the proper functioning of such measures; and
- (c) of their obligation to make proper use of the appliances and equipment provided for their protection.

(2) Consultation with workers on measures to be taken should be recognised as an important means of ensuring their co-operation.

5. (1) The atmosphere of workrooms in which dangerous or obnoxious substances are manufactured, handled or used should be tested periodically at sufficiently frequent intervals to ensure that toxic or irritating dusts, fumes, gases, fibres, mists or vapours are not present in quantities liable to injure health. The competent authorities should publish from time to time, for the guidance of all concerned, the available information regarding maximum allowable concentrations of harmful substances.

(2) The authority concerned with the protection of the health of workers in places of employment should be empowered to specify the circumstances in which it is necessary to test the atmosphere of such workrooms and the manner in which the tests are to be carried out. Such tests should be conducted or supervised by qualified personnel and, where appropriate, by qualified medical personnel who possess experience in occupational health.

6. The competent authority should draw the attention of employers and workers concerned, by all appropriate measures, for example by warning notices in places of employment, to the special risks to which the workers are exposed and to the precautions to be taken to obviate these risks.

7. The competent authority should provide for consultation at the national level between the labour inspectorate or other authority concerned with the protection of the health of workers in places of employment and the employers' and workers' organisations concerned, with a view to giving effect to the provisions of Paragraphs 2, 3, 4, 5 and 6.

II. Medical examinations

8. (1) National laws or regulations should contain special provisions concerning medical examinations in respect of workers employed in occupations involving special risks to their health.

(2) The employment of workers in occupations involving special risks to their health should be conditional upon:

- (a) a medical examination, carried out shortly before or shortly after the worker enters employment; or
- (b) a periodical medical examination; or
- (c) both an initial medical examination and a periodical medical examination as in clauses (a) and (b) above.

(3) National laws or regulations should determine, or empower an appropriate authority to determine, from time to time, after consultation with employers' and workers' organisations concerned:

- (a) for which risks and in which circumstances medical examinations should be carried out;
- (b) for which risks there should be an initial medical examination or a periodical medical examination, or both;
- (c) with due regard to the nature and degree of the risk and of the particular circumstances, the maximum intervals at which periodical medical examinations should be carried out.

9. Medical examinations for the purposes of the foregoing Paragraph should be carried out with a view to:

- (a) detecting as early as possible signs of a particular occupational disease, or of special susceptibility to that disease;
- (b) ascertaining whether, so far as risk of a particular occupational disease is concerned, there are medical objections to the employment or continued employment of the worker in a particular occupation.

10. (1) Where there are no medical objections to the employment of a worker in a particular occupation, so far as risk of a particular occupational disease is concerned, a certificate to this effect should be issued in a manner prescribed by the competent authority.

(2) Such certificate should be kept on file by the employer and made available to officials of the labour inspectorate or other authority concerned with the protection of the health of workers in places of employment.

(3) Such certificate should be made available to the worker concerned.

11. The medical examinations should be carried out by a qualified physician who should possess, so far as possible, knowledge of occupational health.

12. Measures to ensure the observance of medical secrecy should be adopted in connection with all medical examinations and the registration and filing of related documents.

13. (1) Medical examinations made in accordance with this Recommendation should not involve the worker concerned in any expense.

(2) No deduction should be made from wages in respect of time lost for attendance at such examinations in cases in which the matter is dealt with by national laws or regulations; in cases in which the matter is dealt with by collective agreements, the position should be as determined by the relevant agreement.

III. Notification of occupational diseases

14. (1) National laws or regulations should require the notification of cases and suspected cases of occupational disease.

(2) Such notifications should be required with a view to:

- (a) initiating measures of prevention and protection and ensuring their effective application;
- (b) investigating the working conditions and other circumstances which have caused or are suspected to have caused occupational diseases;
- (c) compiling statistics of occupational diseases; and
- (d) allowing the initiation or development of measures designed to ensure that victims of occupational diseases receive the compensation provided for such diseases.

(3) The notification should be made to the labour inspectorate or other authority concerned with the protection of the health of workers in places of employment.

15. National laws or regulations should:

- (a) specify the persons responsible for notifying cases and suspected cases of occupational disease; and
- (b) prescribe the manner in which cases of occupational disease should be notified and the particulars to be notified and, in particular, specify:
 - (i) in which cases immediate notification is required and in which cases notification at specified intervals is sufficient;

- (ii) in respect of cases in which immediate notification is required, the time limit after the detection of a case or suspected case of occupational disease within which notification is required;
- (iii) in respect of cases in which notification at specified intervals is sufficient, the intervals at which notification is required.

16. The notification should provide the authority concerned with the protection of the health of workers in places of employment with such information as may be relevant and necessary for the effective performance of its duties, including, in particular, the following details:

- (a) age and sex of the person concerned;
- (b) the occupation and the trade or industry in which the person is or was last employed;
- (c) the name and address of the place or last place of employment of the person concerned;
- (d) the nature of the disease or poisoning;
- (e) the harmful agent and process to which the disease or poisoning is attributed;
- (f) the name and address of the undertaking in which the worker presumes that he was exposed to the risk to which the disease or poisoning is attributed; and
- (g) so far as is known or can readily be ascertained by the person making the notification, the date of the beginning and, where appropriate, the cessation of exposure to the risk in each of the occupations, trades or industries in which the worker concerned is or has been exposed to the risk.

17. The competent authority should, after consultation with the workers' and employers' organisations concerned, draw up a list of notifiable occupational diseases or classes of cases, together with a symptomatology, and make from time to time such additions or amendments to the list or symptomatology as circumstances may require or as may be found to be desirable.

IV. First aid

18. (1) Facilities for first aid and emergency treatment in case of accident, occupational disease, poisoning or indisposition should be provided in places of employment.

(2) National laws or regulations should determine the manner in which the above subparagraph shall be applied.

V. General provision

19. Where the term *national* is used in this Recommendation in reference to laws, regulations, or authorities, it shall be understood, in the case of a federal State, to refer, as appropriate, to the federal, state, provincial, cantonal or other competent governmental unit.

Welfare Facilities Recommendation, 1956 (No. 102)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 39th Session (26 June 1956)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Thirty-ninth Session on 6 June 1956, and
 Having decided upon the adoption of certain proposals with regard to welfare facilities for
 workers, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-six, the
 following Recommendation, which may be cited as the Welfare Facilities Recommendation, 1956:

Whereas it is desirable to define certain principles and establish certain standards concerning
 the following welfare facilities for workers:

- (a) feeding facilities in or near the undertaking;
- (b) rest facilities in or near the undertaking and recreation facilities excluding holiday facilities; and
- (c) transportation facilities to and from work where ordinary public transport is inadequate or impracticable,

The Conference recommends that the following provisions should be applied as fully and as
 rapidly as national conditions allow, by voluntary, governmental or other appropriate action, and
 that each Member should report to the International Labour Office as requested by the Governing
 Body concerning the measures taken to give effect thereto.

I. Scope

1. This Recommendation applies to manual and non-manual workers employed in public or
 private undertakings, excluding workers in agriculture and sea transport.

2. In any case in which it is doubtful whether an undertaking is one to which this
 Recommendation applies, the question should be settled either by the competent authority after
 consultation with the organisations of employers and workers concerned, or in accordance with the
 law or practice of the country.

II. Methods of implementation

3. Having regard to the variety of welfare facilities and of national practices in making provi-
 sion for them, the facilities specified in this Recommendation may be provided by means of public
 or voluntary action:

- (a) through laws and regulations, or
- (b) in any other manner approved by the competent authority after consultation with employers' and workers' organisations, or
- (c) by virtue of collective agreement or as otherwise agreed upon by the employers and workers concerned.

III. Feeding facilities

A. Canteens

4. Canteens providing appropriate meals should be set up and operated in or near undertakings
 where this is desirable, having regard to the number of workers employed by the undertaking, the
 demand for and prospective use of the facilities, the non-availability of other appropriate facilities
 for obtaining meals and any other relevant conditions and circumstances.

5. If canteens are provided by virtue of national laws or regulations, the competent authority should be empowered to require the setting up and operation of canteens in or near undertakings where more than a specified minimum number of workers is employed or where this is desirable for any other reason determined by the competent authority.

6. If canteens are the responsibility of works committees established by national laws or regulations, this responsibility should be exercised in undertakings where the setting up and operation of such canteens are desirable.

7. If canteens are provided by virtue of collective agreement or in any other manner except as indicated in Paragraphs 5 and 6, the arrangements so arrived at should apply to undertakings where this is desirable for any reason as determined by agreement between the employers and workers concerned.

8. The competent authority or some other appropriate body should make suitable arrangements to give information, advice and guidance to individual undertakings with respect to technical questions involved in the setting up and operation of canteens.

9. (1) Where adequate publications are not already in existence, the competent authority or some other appropriate body should prepare and publish detailed information, suggestions and guidance, adapted to the special conditions in the country concerned, on methods of setting up and operating canteens.

(2) Such information should include suggestions on:

- (a) location of the canteens in relation to the various buildings or departments of the undertakings concerned;
- (b) establishment of joint canteens for several undertakings in so far as is appropriate;
- (c) accommodation in canteens: standards of space, lighting, heating, temperature and ventilation;
- (d) layout of canteens: dining room or rooms, service area, kitchen, dishwashing area, storage, administration office, and lockers and washroom for canteen personnel;
- (e) equipment, furnishing and decoration of canteens: equipment for the preparation and cooking of food, refrigeration, storage and washing up; types of fuel for cooking; types of tables and chairs in the dining room or rooms; scheme of painting and decoration;
- (f) types of meals provided: standard menu, standard menu with options, à la carte; dietetic menus where medically prescribed; special menus for workers in unhealthy occupations; breakfast, midday meal or other meals for shift workers;
- (g) standard of nutrition: nutritional values of foodstuffs, planned menus and balanced diets;
- (h) types of service in the canteen: hatch or counter service, cafeteria, and table service; personnel needed for each type of service;
- (i) standards of hygiene in the kitchen and dining rooms;
- (j) financial questions: initial capital outlay for construction, equipment and furnishing, continuing overheads and maintenance expenses, food and personnel costs, accounts, prices charged for meals.

B. Buffets and trolleys

10. (1) In undertakings where it is not practicable to set up canteens providing appropriate meals, and in other undertakings where such canteens already exist, buffets or trolleys should be provided, where necessary and practicable, for the sale to the workers of packed meals or snacks and tea, coffee, milk and other beverages. Trolleys should not, however, be introduced into workplaces in which dangerous or harmful processes make it undesirable that workers should partake of food and drink there.

(2) Some of these facilities should be made available not only during the midday or midshift interval but also during the recognised rest pauses and breaks.

C. Messrooms and other suitable rooms

11. (1) In undertakings where it is not practicable to set up canteens providing appropriate meals, and, where necessary, in other undertakings where such canteens already exist, messroom facilities should be provided, where practicable and appropriate, for individual workers to prepare or heat and take meals provided by themselves.

- (2) The facilities so provided should include at least:
- (a) a room in which provision suited to the climate is made for relieving discomfort from cold or heat;
 - (b) adequate ventilation and lighting;
 - (c) suitable tables and seating facilities in sufficient numbers;
 - (d) appropriate appliances for heating food and beverages;
 - (e) an adequate supply of wholesome drinking water.

D. Mobile canteens

12. In undertakings in which workers are dispersed over wide work areas, it is desirable, where practicable and necessary, and where other satisfactory facilities are not available, to provide mobile canteens for the sale of appropriate meals to the worker.

E. Other facilities

13. Special consideration should be given to providing shift workers with facilities for obtaining adequate meals and beverages at appropriate times.

14. In localities where there are insufficient facilities for purchasing appropriate food, beverages and meals, measures should be taken to provide workers with such facilities.

F. Use of facilities

15. The workers should in no case be compelled, except as required by national laws and regulations for reasons of health, to use any of the feeding facilities provided.

IV. Rest facilities

A. Seats

16. (1) In undertakings where any workers, especially women and young workers, have in the course of their work reasonable opportunities for sitting without detriment to their work, seats should be provided and maintained for their use.

(2) Seats so provided should be in adequate numbers and reasonably near the work posts of the workers concerned.

17. (1) In undertakings where a substantial proportion of any work can be properly done seated, seats should be provided and maintained for the workers concerned.

(2) The seat should be of a design, construction and dimensions suitable for the worker and the work; a footrest should be provided where necessary.

18. Regardless of whether seats for workers are provided and maintained by virtue of national laws or regulations, the competent authority in each country should authorise appropriate government officials to give information, advice and guidance with respect to the technical questions involved in the provision and maintenance of suitable seats for workers, particularly where seats are provided for workers engaged on operations in which a substantial proportion of the work can be properly done seated.

B. Rest rooms

19. (1) In an undertaking where alternative facilities are not available for workers to take temporary rest during working hours, a rest room should be provided, where this is desirable, having regard to the nature of the work and any other relevant conditions and circumstances. In particular, rest rooms should be provided to meet the needs of women workers; of workers engaged on particularly arduous or special work requiring temporary rest during working hours; or of workers employed on broken shifts.

(2) National laws or regulations should, where appropriate, empower the competent authority to require the provision of rest rooms in particular undertakings or classes of undertakings in which this is considered desirable by the competent authority owing to the conditions and circumstances of employment.

20. The facilities so provided should include at least:

- (a) a room in which provision suited to the climate is made for relieving discomfort from cold or heat;
- (b) adequate ventilation and lighting;
- (c) suitable seating facilities in sufficient numbers.

V. Recreation facilities

21. (1) Appropriate measures should be taken to encourage the provision of recreation facilities for the workers in or near the undertaking in which they are employed, where suitable facilities organised by special bodies or by community action are not already available and where there is a real need for such facilities as indicated by the representatives of the workers concerned.

(2) Such measures, where necessary, should be taken by works committees or other bodies established by national laws or regulations if these have a responsibility in this field, or by voluntary action of the employers or workers concerned after consultation with each other. These measures should, preferably, be taken in such a way as to stimulate and support action by the public authorities so that the community is able to meet the demand for recreation facilities.

22. Whatever may be the methods adopted for providing recreation facilities, the workers should in no case be under any obligation to participate in the utilisation of any of the facilities provided.

VI. Management of feeding and recreation facilities

23. While the management of the feeding and recreation facilities provided may be exercised in different ways in accordance with the customs of the country or locality concerned or with arrangements under which special bodies are entrusted with over-all responsibility for welfare facilities, the following are some of the forms of management that competent authorities, employers and workers should take into account:

- (a) in respect of feeding facilities:
 - (i) in countries in which the provision of feeding facilities forms a responsibility of works committees established by national laws or regulations, management of such facilities by such works committees or by subcommittees appointed by them; or
 - (ii) in other countries, management of such facilities by the management of the undertaking or by catering contractors appointed by it, with arrangements for consultation with the workers in the undertaking, for example through a canteen committee consisting of representatives of the workers in the undertaking;
- (b) in respect of recreation facilities:
 - (i) in countries in which the provision of recreation facilities forms a responsibility of works committees established by national laws or regulations, management of such facilities by such works committees or by subcommittees appointed by them; or
 - (ii) in other countries, management of such facilities by a central recreation committee elected by the workers in the undertaking; with or without a representative or representatives of the management of the undertaking, or by a number of different clubs formed voluntarily by groups of workers in the undertaking interested in particular forms of recreation.

24. The competent authorities of each country should arrange for the consultation of workers' and employers' organisations concerning both the methods of administration and the supervision of the welfare facilities set up by virtue of national laws or regulations.

VII. Financing of feeding and recreation facilities

25. While the financing of the feeding and recreation facilities provided may be exercised in different ways in accordance with the customs of the country or locality concerned or with arrangements under which special bodies are entrusted with over-all responsibility for welfare facilities, the following are some of the forms of financing that competent authorities, employers and workers should take into account:

- (a) in respect of feeding facilities:
 - (i) financing by the employer of expenditure for constructing, renting or otherwise providing the premises for feeding facilities together with the necessary equipment and furnishings and for continuing overheads and maintenance, including heating, lighting and cleaning, rates and taxes, insurance and upkeep of premises, equipment and furnishings;
 - (ii) payment for meals and other food supplied by the workers using the facilities;
 - (iii) financing of expenditure for wages and insurance of food service personnel, either by the employer or by the workers through payment for meals and other food supplied;
- (b) in respect of recreation facilities:
 - (i) financing by the employer of expenditure for constructing, renting or otherwise providing the premises for indoor recreation facilities and the grounds and installations for outdoor recreation facilities, together with the necessary durable equipment and furnishings, and for continuing overheads and maintenance, including heating, lighting and cleaning, rates and taxes, insurance and upkeep of premises, grounds, installations, equipment and furnishing; and
 - (ii) financing of day-to-day running expenses, including in particular the provision of expendable equipment and supplies, by the workers using the facilities through payment of membership subscriptions and games fees, and through receipts from charges for admission to matches, or otherwise.

26. In the economically underdeveloped countries, in the absence of other legal obligations concerning welfare facilities, such facilities may be financed through welfare funds maintained by contributions fixed by the competent authorities and administered by committees with equal representation of employers and workers.

27. (1) Where meals and other food supplies are made available to the workers directly by the employer, their prices should be reasonable and they should be provided without profit to the employer; any possible financial surplus resulting from the sale should be paid into a fund or special account and used, according to circumstances, either to offset losses or to improve the facilities made available to the workers.

(2) Where meals and other food supplies are made available to the workers by a caterer or contractor, their prices should be reasonable and they should be provided without profit to the employer.

(3) Where the facilities in question are provided by virtue of collective agreements or by special agreements within undertakings, the fund provided for in subparagraph (1) should be administered either by a joint body or by the workers.

28. (1) In no case should a worker be required to contribute towards the cost of welfare facilities that he does not wish to use personally.

(2) In cases where workers have to pay for welfare facilities, payment by instalment or delay in payment should not be permitted.

VIII. Transport facilities

29. Where, in accordance with national or local custom, workers provide their own means of transport to and from work, suitable parking or storage facilities should be provided where necessary and practicable.

30. Where a substantial proportion of the workers experience special difficulties in travelling to and from work owing to the inadequacy of public transport services or unsuitability of transport timetables, the undertakings in which they are employed should endeavour to secure from the organisations providing public transport in the locality concerned the necessary adjustments or improvements in their services.

31. Where the workers' transport difficulties are primarily due to peak transport loads and traffic congestion at certain hours and where such difficulties cannot otherwise be overcome, the undertaking in which they are employed should, in consultation with the workers concerned and with the public transport and traffic authorities, and, where appropriate, with other undertakings in the same locality, endeavour to adjust or stagger times of starting and finishing work in the undertaking as a whole or in some of its departments.

32. Where adequate and practicable transport facilities for the workers are necessary and cannot be provided in any other way, the undertakings in which they are employed should themselves provide the transport.

33. In particular countries, areas or industries, where public transport facilities are inadequate or impracticable, and as an alternative to the provision of transport by the undertaking, transport allowances should, by agreement between the employer and the workers concerned, be paid to the workers by the undertaking.

34. Wherever necessary, undertakings should arrange for adequate transport facilities to be available, either through the services of public transport or otherwise, to meet the needs of shift workers at times of the day and night when ordinary public transport facilities are inadequate, impracticable or non-existent.

IX. General provision

35. In the case of a federal State, the term *national laws or regulations*, as used in this Recommendation, includes the laws and regulations of the federal State and the laws and regulations of the constituent states, provinces or cantons, as may be appropriate under the constitutional system of the Member concerned.

List of Occupational Diseases Recommendation, 2002 (No. 194)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 90th Session (20 June 2002)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Noting the provisions of the Occupational Safety and Health Convention and Recommendation, 1981, and the Occupational Health Services Convention and Recommendation, 1985, and

Noting also the list of occupational diseases as amended in 1980 appended to the Employment Injury Benefits Convention, 1964, and

Having regard to the need to strengthen identification, recording and notification procedures for occupational accidents and diseases, with the aim of identifying their causes, establishing preventive measures, promoting the harmonization of recording and notification systems, and improving the compensation process in the case of occupational accidents and occupational diseases, and

Having regard to the need for a simplified procedure for updating a list of occupational diseases, and

Having decided upon the adoption of certain proposals with regard to the recording and notification of occupational accidents and diseases, and to the regular review and updating of a list of occupational diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this twentieth day of June of the year two thousand and two the following Recommendation, which may be cited as the List of Occupational Diseases Recommendation, 2002.

1. In the establishment, review and application of systems for the recording and notification of occupational accidents and diseases, the competent authority should take account of the 1996 Code of practice on the recording and notification of occupational accidents and diseases, and other codes of practice or guides relating to this subject that are approved in the future by the International Labour Organization.

2. A national list of occupational diseases for the purposes of prevention, recording, notification and, if applicable, compensation should be established by the competent authority, in consultation with the most representative organizations of employers and workers, by methods appropriate to national conditions and practice, and by stages as necessary. This list should:

- (a) for the purposes of prevention, recording, notification and compensation comprise, at the least, the diseases enumerated in Schedule I of the Employment Injury Benefits Convention, 1964, as amended in 1980;
- (b) comprise, to the extent possible, other diseases contained in the list of occupational diseases as annexed to this Recommendation; and
- (c) comprise, to the extent possible, a section entitled "Suspected occupational diseases".

3. The list as annexed to this Recommendation should be regularly reviewed and updated through tripartite meetings of experts convened by the Governing Body of the International Labour Office. Any new list so established shall be submitted to the Governing Body for its approval, and upon approval shall replace the preceding list and shall be communicated to the Members of the International Labour Organization.

4. The national list of occupational diseases should be reviewed and updated with due regard to the most up-to-date list established in accordance with Paragraph 3 above.

5. Each Member should communicate its national list of occupational diseases to the International Labour Office as soon as it is established or revised, with a view to facilitating the regular review and updating of the list of occupational diseases annexed to this Recommendation.

6. Each Member should furnish annually to the International Labour Office comprehensive statistics on occupational accidents and diseases and, as appropriate, dangerous occurrences and commuting accidents with a view to facilitating the international exchange and comparison of these statistics.

ANNEX

List of occupational diseases (revised 2010)

(In the application of this list the degree and type of exposure and the work or occupation involving a particular risk of exposure should be taken into account when appropriate.)

1. Occupational diseases caused by exposure to agents arising from work activities

1.1 Diseases caused by chemical agents

- 1.1.1 Diseases caused by beryllium or its compounds
- 1.1.2 Diseases caused by cadmium or its compounds
- 1.1.3 Diseases caused by phosphorus or its compounds
- 1.1.4 Diseases caused by chromium or its compounds
- 1.1.5 Diseases caused by manganese or its compounds
- 1.1.6 Diseases caused by arsenic or its compounds
- 1.1.7 Diseases caused by mercury or its compounds
- 1.1.8 Diseases caused by lead or its compounds
- 1.1.9 Diseases caused by fluorine or its compounds
- 1.1.10 Diseases caused by carbon disulfide
- 1.1.11 Diseases caused by halogen derivatives of aliphatic or aromatic hydrocarbons
- 1.1.12 Diseases caused by benzene or its homologues
- 1.1.13 Diseases caused by nitro- and amino-derivatives of benzene or its homologues
- 1.1.14 Diseases caused by nitroglycerine or other nitric acid esters
- 1.1.15 Diseases caused by alcohols, glycols or ketones
- 1.1.16 Diseases caused by asphyxiants like carbon monoxide, hydrogen sulfide, hydrogen cyanide or its derivatives
- 1.1.17 Diseases caused by acrylonitrile
- 1.1.18 Diseases caused by oxides of nitrogen

- 1.1.19 Diseases caused by vanadium or its compounds
- 1.1.20 Diseases caused by antimony or its compounds
- 1.1.21 Diseases caused by hexane
- 1.1.22 Diseases caused by mineral acids
- 1.1.23 Diseases caused by pharmaceutical agents
- 1.1.24 Diseases caused by nickel or its compounds
- 1.1.25 Diseases caused by thallium or its compounds
- 1.1.26 Diseases caused by osmium or its compounds
- 1.1.27 Diseases caused by selenium or its compounds
- 1.1.28 Diseases caused by copper or its compounds
- 1.1.29 Diseases caused by platinum or its compounds
- 1.1.30 Diseases caused by tin or its compounds
- 1.1.31 Diseases caused by zinc or its compounds
- 1.1.32 Diseases caused by phosgene
- 1.1.33 Diseases caused by corneal irritants like benzoquinone
- 1.1.34 Diseases caused by ammonia
- 1.1.35 Diseases caused by isocyanates
- 1.1.36 Diseases caused by pesticides
- 1.1.37 Diseases caused by sulphur oxides
- 1.1.38 Diseases caused by organic solvents
- 1.1.39 Diseases caused by latex or latex-containing products
- 1.1.40 Diseases caused by chlorine
- 1.1.41 Diseases caused by other chemical agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these chemical agents arising from work activities and the disease(s) contracted by the worker

1.2 Diseases caused by physical agents

- 1.2.1 Hearing impairment caused by noise
- 1.2.2 Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves)
- 1.2.3 Diseases caused by compressed or decompressed air
- 1.2.4 Diseases caused by ionizing radiations
- 1.2.5 Diseases caused by optical (ultraviolet, visible light, infrared) radiations including laser
- 1.2.6 Diseases caused by exposure to extreme temperatures
- 1.2.7 Diseases caused by other physical agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these physical agents arising from work activities and the disease(s) contracted by the worker

1.3 Biological agents and infectious or parasitic diseases

- 1.3.1 Brucellosis
- 1.3.2 Hepatitis viruses
- 1.3.3 Human immunodeficiency virus (HIV)
- 1.3.4 Tetanus
- 1.3.5 Tuberculosis
- 1.3.6 Toxic or inflammatory syndromes associated with bacterial or fungal contaminants
- 1.3.7 Anthrax
- 1.3.8 Leptospirosis
- 1.3.9 Diseases caused by other biological agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these biological agents arising from work activities and the disease(s) contracted by the worker

2. Occupational diseases by target organ systems

2.1 Respiratory diseases

- 2.1.1 Pneumoconioses caused by fibrogenic mineral dust (silicosis, anthraco-silicosis, asbestosis)
- 2.1.2 Silicotuberculosis
- 2.1.3 Pneumoconioses caused by non-fibrogenic mineral dust
- 2.1.4 Siderosis
- 2.1.5 Bronchopulmonary diseases caused by hard-metal dust
- 2.1.6 Bronchopulmonary diseases caused by dust of cotton (byssinosis), flax, hemp, sisal or sugar cane (bagassosis)
- 2.1.7 Asthma caused by recognized sensitizing agents or irritants inherent to the work process
- 2.1.8 Extrinsic allergic alveolitis caused by the inhalation of organic dusts or microbially contaminated aerosols, arising from work activities
- 2.1.9 Chronic obstructive pulmonary diseases caused by inhalation of coal dust, dust from stone quarries, wood dust, dust from cereals and agricultural work, dust in animal stables, dust from textiles, and paper dust, arising from work activities
- 2.1.10 Diseases of the lung caused by aluminium
- 2.1.11 Upper airways disorders caused by recognized sensitizing agents or irritants inherent to the work process
- 2.1.12 Other respiratory diseases not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the disease(s) contracted by the worker

2.2 Skin diseases

- 2.2.1 Allergic contact dermatoses and contact urticaria caused by other recognized allergy-provoking agents arising from work activities not included in other items
- 2.2.2 Irritant contact dermatoses caused by other recognized irritant agents arising from work activities not included in other items
- 2.2.3 Vitiligo caused by other recognized agents arising from work activities not included in other items
- 2.2.4 Other skin diseases caused by physical, chemical or biological agents at work not included under other items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the skin disease(s) contracted by the worker

2.3 Musculoskeletal disorders

- 2.3.1 Radial styloid tenosynovitis due to repetitive movements, forceful exertions and extreme postures of the wrist
- 2.3.2 Chronic tenosynovitis of hand and wrist due to repetitive movements, forceful exertions and extreme postures of the wrist
- 2.3.3 Olecranon bursitis due to prolonged pressure of the elbow region
- 2.3.4 Prepatellar bursitis due to prolonged stay in kneeling position
- 2.3.5 Epicondylitis due to repetitive forceful work
- 2.3.6 Meniscus lesions following extended periods of work in a kneeling or squatting position
- 2.3.7 Carpal tunnel syndrome due to extended periods of repetitive forceful work, work involving vibration, extreme postures of the wrist, or a combination of the three
- 2.3.8 Other musculoskeletal disorders not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the musculoskeletal disorder(s) contracted by the worker

2.4 Mental and behavioural disorders

- 2.4.1 Post-traumatic stress disorder

- 2.4.2 Other mental or behavioural disorders not mentioned in the preceding item where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the mental and behavioural disorder(s) contracted by the worker

3. Occupational cancer

3.1 Cancer caused by the following agents

- 3.1.1 Asbestos
- 3.1.2 Benzidine and its salts
- 3.1.3 Bis-chloromethyl ether (BCME)
- 3.1.4 Chromium VI compounds
- 3.1.5 Coal tars, coal tar pitches or soots
- 3.1.6 Beta-naphthylamine
- 3.1.7 Vinyl chloride
- 3.1.8 Benzene
- 3.1.9 Toxic nitro- and amino-derivatives of benzene or its homologues
- 3.1.10 Ionizing radiations
- 3.1.11 Tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances
- 3.1.12 Coke oven emissions
- 3.1.13 Nickel compounds
- 3.1.14 Wood dust
- 3.1.15 Arsenic and its compounds
- 3.1.16 Beryllium and its compounds
- 3.1.17 Cadmium and its compounds
- 3.1.18 Erionite
- 3.1.19 Ethylene oxide
- 3.1.20 Hepatitis B virus (HBV) and hepatitis C virus (HCV)
- 3.1.21 Cancers caused by other agents at work not mentioned in the preceding items where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to these agents arising from work activities and the cancer(s) contracted by the worker

4. Other diseases

4.1 Miners' nystagmus

- 4.2 Other specific diseases caused by occupations or processes not mentioned in this list where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure arising from work activities and the disease(s) contracted by the worker

Prevention of Industrial Accidents Recommendation, 1929 (No. 31)

Status	Adoption
Technical instrument with interim status	Geneva, ILC 12th Session (21 June 1929)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Twelfth Session on 30 May 1929, and
 Having decided upon the adoption of certain proposals with regard to the prevention of industrial accidents, which is the first item on the agenda of the Session, and
 Having determined that these proposals should take the form of a Recommendation,
 adopts this twenty-first day of June of the year one thousand nine hundred twenty-nine, the following Recommendation, which may be cited as the Prevention of Industrial Accidents Recommendation, 1929, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of the Constitution of the International Labour Organisation:

Whereas the protection of workers against injury arising out of their employment is instanced by the Preamble to the Constitution of the International Labour Organisation as one of the improvements in industrial conditions which are urgently required;

Whereas industrial accidents not only cause suffering and distress among workers and their families, but also represent an important material loss to society in general;

Whereas the International Labour Conference in 1923 adopted a Recommendation concerning the general principles for the organisation of systems of inspection, in which it is laid down inter alia that inspection, in order to become progressively more effective, should be increasingly directed towards securing the adoption of the most suitable safety methods for preventing accidents and diseases with a view to rendering work less dangerous, more healthy, and even less exhausting, by the intelligent understanding, education and co-operation of all concerned;

Whereas it is desirable that these measures and methods which experience in the various countries has shown to be most effective in enabling the number of accidents to be reduced and their gravity mitigated should be put on record for the mutual advantage of the Members;

Whereas a resolution was adopted at the 1928 Session of the International Labour Conference in which the Conference declared its opinion that the time had come to attempt to reach a higher standard of safety by the development of new methods and that the greatest advance could be made on the lines of the Safety First Movement, although it could not supersede the action of the State in prescribing and enforcing regulations for the prevention of accidents;

Considering that it is of the highest importance that all persons or bodies, including employers, workers, employers' and workers' organisations, Governments and the general public, should use their best endeavours and every means in their power to help to prevent industrial accidents;

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration for the prevention of accidents in industrial undertakings. The following in particular are considered as such:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct,

sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water-work or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

- (d) transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The Conference, considering further that the prevention of accidents is as necessary in agriculture as in industrial establishments, recommends that each Member of the International Labour Organisation should apply the Recommendation to agriculture, taking into account the special conditions of agricultural work.

I

1. Whereas the foundations of the study of accident prevention are:

- (a) enquiry into the causes and circumstances of accidents,
- (b) the study, by means of statistics of accidents in each industry as a whole, of the special dangers which exist in the several industries, the laws determining the incidence of accidents and, by comparison over a series of years, the effect of measures taken to avoid them,

The Conference recommends that each Member should take the necessary steps, by means of legislative or administrative action, effectively to ensure the collection and utilisation of the above information.

The Conference also recommends that methodical investigation should be carried out in each country by public services assisted, where it appears desirable, by institutions or committees set up by individual branches of industry.

The public services should have recourse to the collaboration of the industrial organisations of employers and workers and of the services responsible for the supervision of accident prevention, as well as, where desirable, of technical associations and accident insurance institutions or companies.

It is also desirable that industrial associations of employers and workers should collaborate in the institutions for accident prevention in the individual branches of industry.

2. As experience and research have shown that the incidence and gravity of accidents do not depend merely upon the dangers inherent in the work or in the kind of equipment or the various appliances in use, but also on physical, physiological and psychological factors, the Conference recommends that in addition to the investigations mentioned in paragraph 1 in connection with material factors, these other factors should also be investigated.

3. Since the suitability of the worker for his work and the interest which he takes in his work are factors of primary importance for the promotion of safety, it is important that the Members should encourage scientific research into the best methods of vocational guidance and selection and their practical application.

4. Since it is important for the furtherance of accident prevention that the results of the investigations referred to in paragraphs 1 and 2 should be made known as widely as possible, and since it is also desirable that the International Labour Office should be in possession of the information necessary to enable its work in connection with accident prevention to be extended, the Conference recommended that the more important results of the investigations should be communicated to the International Labour Office for use in its work and publications.

It is also desirable that there should be international consultation and exchange of results between the research institutions or organisations in the several industrial countries.

5. The Members should establish central departments to collect and collate statistics relating to industrial accidents and should communicate to the International Labour Office all available statistics on industrial accidents in their respective countries. They should also, with a view to the subsequent preparation of a Convention, keep in touch with the International Labour Office in framing and developing their industrial accident statistics, with a view to arriving at uniform bases which would as far as possible allow of a comparative study of the statistics of the different countries.

II

6. In view of the satisfactory results which experience in different countries has shown to follow from co-operation between all parties interested in the prevention of industrial accidents, particularly between employers and workers, it is important that the Members should do all in their power to develop and encourage such co-operation, as recommended in the Recommendation on systems of inspection adopted in 1923.

7. It is recommended that in every industry or branch of industry, so far as circumstances require, periodical conferences should be held between the State inspection service, or other competent bodies, and the representative organisations of employers and workers concerned: (a) to consider and review the position in the industry as regards the incidence and gravity of accidents, the working and effectiveness of the measures laid down by law, or agreed upon between the State or other competent bodies and representatives of the industry, or tried by individual employers, and (b) to discuss proposals for further improvement.

8. It is further recommended that the Members should actively and continuously encourage the adoption of measures for the promotion of safety, in particular (a) the establishment in the works of a safety organisation which should include arrangements for a works investigation of every accident occurring in the works, and the consideration of the methods to be adopted for preventing a recurrence; the systematic supervision of the works, machinery and plant for the purpose of ensuring safety, and in particular of seeing that all safeguards and other safety appliances are maintained in proper order and position; the explanation to new, and especially young, workers of the possible dangers of the work of the machinery or plant connected with their work; the organisation of first aid and transport for injured workers; and the encouragement of suggestions from the persons employed for rendering work safer; (b) co-operation in the promotion of safety between the management and the workers in individual works, and of employers' and workers' organisations in the industry with each other and with the State and with other appropriate bodies by such methods and arrangements as may appear best adapted to the national conditions and aptitudes. The following methods are suggested as examples for consideration by those concerned: appointment of a safety supervisor for the works, establishment of works safety committees.

9. It is recommended that the Members should do all in their power to awaken and maintain the interest of the workers in the prevention of accidents and ensure their co-operation by means of lectures, publications, cinematograph films, visits to industrial establishments, and by such other means as they may find most appropriate.

10. It is recommended that the State should establish or promote the establishment of permanent safety exhibitions where the best appliances, arrangements and methods for preventing accidents and promoting safety can be seen (and in the case of machinery, seen in action) and advice and information given to employers, works officials, workers, students in the engineering and technical schools, and others.

11. In view of the fact that the workers, by their conduct in the factory, can and should contribute to a large extent to the success of protective measures, the State should use its influence to secure (a) that employers should do all in their power to improve the education of their workers in regard to the prevention of accidents, and (b) that the workers' organisations should by using their influence with their members co-operate in this work.

12. The Conference recommends that, in addition to measures taken in pursuance of the preceding paragraphs, the State should arrange for monographs on accident causation and prevention in particular industries or branches of industry or particular processes, to be prepared by the State inspection service or other competent authorities, embodying the experience obtained as to the best measures for preventing accidents in the industry or process, and to be published by the State for the information of employers, works officials and workers in the industry and of employers' and workers' organisations.

13. In view of the importance of the work of education referred to in the preceding paragraph, and as a foundation for such education, the Conference recommends that the Members should arrange for the inclusion in the curricula of the elementary schools of lessons designed to inculcate habits of carefulness, and in the curricula of continuation schools lessons in accident prevention and

first aid. Instruction in the prevention of industrial accidents should be given in vocational schools of all grades, where the importance of the subject both from the economic and moral standpoints should be impressed upon the pupils.

14. In view of the great value of immediate first-aid treatment in lessening the gravity of the consequences of accidents, measures should be taken to ensure that the necessary material for first aid should be kept ready for use in all undertakings and that first aid by properly trained persons should be given. It is also desirable that arrangements should be made to ensure that in case of serious accidents the services of a doctor are available as soon as possible. Arrangements should also be made for providing ambulance services for the rapid transport of injured persons to hospital or to their homes.

Special attention should also be paid to the theoretical and practical training of doctors in the treatment of injuries due to accidents.

III

15. As any effective system of accident prevention should rest on a basis of statutory requirements the Conference recommends that each Member should prescribe by law the measures required to ensure an adequate standard of safety.

16. It should be provided by law that it is the duty of the employer to equip and manage his undertaking in such a way that the workers are adequately protected, regard being had to the nature of the undertaking and the state of technical progress, as well as to see that the workers in his employment are instructed as to the dangers, if any, of their occupation and in the measures to be covered by them in order to avoid accidents.

17. It is in general desirable that plans for the construction or substantial alteration of industrial establishments should be submitted in due time to the competent authority, in order that it may be ascertained whether the plans are such as to satisfy the statutory requirements referred to above. The plans should be examined as rapidly as possible in order not to delay the execution of the work.

18. So far as the administrative and legal systems of each country allow, officials of the inspection service or other body responsible for supervising the enforcement of the statutory requirements for the protection of workers against accidents should be empowered to give orders in particular cases to the employer as to the steps to be taken by him to fulfil his obligations, subject to a right of appeal to a higher administrative authority or to arbitration.

In case of imminent danger the supervising authority should be empowered to require immediate compliance with the orders, notwithstanding the right of appeal.

19. In view of the importance of the conduct of the worker in connection with accident prevention, the law should provide that it is the duty of the worker to comply with the statutory requirements on accident prevention and particularly to refrain from removing safety devices without permission and to use them properly.

20. It is recommended that before administrative orders or regulations for the prevention of accidents in any industry are finally issued by the competent authority, opportunity should be given to the representative organisations of employers and workers concerned to submit their views for the consideration of the competent authority.

21. Statutory or administrative provision should be made enabling the workers to collaborate in securing the observance of the safety regulations by the methods best suited to each country: for example, the appointment of qualified workers to positions in the official inspection service; regulations authorising the workers to call for a visit from an official of the inspection service or other competent body when they consider such a course desirable, or requiring the employer to give workers or their representatives an opportunity of seeing the inspector when he is visiting the undertaking; inclusion of workers' representatives in safety committees for securing the enforcement of the regulations and establishing the causes of accidents.

IV

22. The Conference recommends that the State should endeavour to secure that accident insurance institutions or companies take into account, in assessing the premium for an undertaking, the measures taken therein for the protection of the workers, in order to encourage the development of safety measures by employers.

23. The State should use its influence with accident insurance institutions and companies to co-operate in the work of accident prevention by such means as the following: communication of information on causes and consequences of accidents to the inspection service or other supervising authorities concerned; co-operation in the institutions and committees referred to in Paragraph 1 and in the Safety First Movement in general; advances to employers for the adoption or improvement of safety appliances; the award of prizes to workmen, engineers and others who, by their inventions or ideas, contribute substantially to the avoidance of accidents; propaganda among employers and the public; advice on safety measures, contributions to safety museums and institutions for instruction in accident prevention.

2. Protection against specific risks²

Radiation Protection Convention, 1960 (No. 115)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	17 June 1962	Geneva, ILC 44th Session (22 June 1960)	50

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-fourth Session on 1 June 1960, and

Having decided upon the adoption of certain proposals with regard to the protection of workers against ionising radiations, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-second day of June of the year one thousand nine hundred and sixty the following Convention, which may be cited as the Radiation Protection Convention, 1960:

Part I. General provisions

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to give effect thereto by means of laws or regulations, codes of practice or other appropriate means. In applying the provisions of the Convention the competent authority shall consult with representatives of employers and workers.

Article 2

1. This Convention applies to all activities involving exposure of workers to ionising radiations in the course of their work.

2. Withdrawn recommendation: Power-driven Machinery Recommendation, 1929 (No. 32)

2. This Convention does not apply to radioactive substances, whether sealed or unsealed, nor to apparatus generating ionising radiations which substances or apparatus, owing to the limited doses of ionising radiations which can be received from them, are exempted from its provisions by one of the methods of giving effect to the Convention mentioned in Article 1.

Article 3

1. In the light of knowledge available at the time, all appropriate steps shall be taken to ensure effective protection of workers, as regards their health and safety, against ionising radiations.

2. Rules and measures necessary for this purpose shall be adopted, and data essential for effective protection shall be made available.

3. With a view to ensuring such effective protection:

- (a) measures for the protection of workers against ionising radiations adopted after ratification of the Convention by the Member concerned shall comply with the provisions thereof;
- (b) the Member concerned shall modify, as soon as practicable, measures adopted by it prior to the ratification of the Convention, so as to comply with the provisions thereof, and shall promote such modification of other measures existing at the time of ratification;
- (c) the Member concerned shall communicate to the Director-General of the International Labour Office, when ratifying the Convention, a statement indicating the manner in which and the categories of workers to which the provisions of the Convention are applied, and shall indicate in its reports on the application of the Convention any further progress made in the matter;
- (d) at the expiration of three years from the date on which this Convention first enters into force the Governing Body of the International Labour Office shall submit to the Conference a special report concerning the application of subparagraph (b) of this paragraph and containing such proposals as it may think appropriate for further action in regard to the matter.

Part II. Protective measures

Article 4

The activities referred to in Article 2 shall be so arranged and conducted as to afford the protection envisaged in this Part of the Convention.

Article 5

Every effort shall be made to restrict the exposure of workers to ionising radiations to the lowest practicable level, and any unnecessary exposure shall be avoided by all parties concerned.

Article 6

1. Maximum permissible doses of ionising radiations which may be received from sources external to or internal to the body and maximum permissible amounts of radioactive substances which can be taken into the body shall be fixed in accordance with Part I of this Convention for various categories of workers.

2. Such maximum permissible doses and amounts shall be kept under constant review in the light of current knowledge.

Article 7

1. Appropriate levels shall be fixed in accordance with Article 6 for workers who are directly engaged in radiation work and are:

- (a) aged 18 and over;
- (b) under the age of 18.

2. No worker under the age of 16 shall be engaged in work involving ionising radiations.

Article 8

Appropriate levels shall be fixed in accordance with Article 6 for workers who are not directly engaged in radiation work, but who remain or pass where they may be exposed to ionising radiations or radioactive substances.

Article 9

1. Appropriate warnings shall be used to indicate the presence of hazards from ionising radiations. Any information necessary in this connection shall be supplied to the workers.

2. All workers directly engaged in radiation work shall be adequately instructed, before and during such employment, in the precautions to be taken for their protection, as regards their health and safety, and the reasons therefor.

Article 10

Laws or regulations shall require the notification in a manner prescribed thereby of work involving exposure of workers to ionising radiations in the course of their work.

Article 11

Appropriate monitoring of workers and places of work shall be carried out in order to measure the exposure of workers to ionising radiations and radioactive substances, with a view to ascertaining that the applicable levels are respected.

Article 12

All workers directly engaged in radiation work shall undergo an appropriate medical examination prior to or shortly after taking up such work and subsequently undergo further medical examinations at appropriate intervals.

Article 13

Circumstances shall be specified, by one of the methods of giving effect to the Convention mentioned in Article 1, in which, because of the nature or degree of the exposure or a combination of both, the following action shall be taken promptly:

- (a) the worker shall undergo an appropriate medical examination;
- (b) the employer shall notify the competent authority in accordance with its requirements;
- (c) persons competent in radiation protection shall examine the conditions in which the worker's duties are performed;
- (d) the employer shall take any necessary remedial action on the basis of the technical findings and the medical advice.

Article 14

No worker shall be employed or shall continue to be employed in work by reason of which the worker could be subject to exposure to ionising radiations contrary to qualified medical advice.

Article 15

Each Member which ratifies this Convention undertakes to provide appropriate inspection services for the purpose of supervising the application of its provisions, or to satisfy itself that appropriate inspection is carried out.

Radiation Protection Recommendation, 1960 (No. 114)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 44th Session (22 June 1960)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-fourth Session on 1 June 1960, and
 Having decided upon the adoption of certain proposals with regard to the protection of workers
 against ionising radiations, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Radiation Protection Convention, 1960,
 adopts this twenty-second day of June of the year one thousand nine hundred and sixty, the following
 Recommendation, which may be cited as the Radiation Protection Recommendation, 1960:

I. General provisions

1. This Recommendation should be given effect to by means of laws or regulations, codes of practice or other appropriate means. In applying the provisions of the Recommendation the competent authority should consult with representatives of employers and workers.

2. (1) This Recommendation applies to all activities involving exposure of workers to ionising radiations in the course of their work.

(2) This Recommendation does not apply to radioactive substances, whether sealed or unsealed, nor to apparatus generating ionising radiations which substances or apparatus, owing to the limited doses of ionising radiations which can be received from them, are exempted from its provisions by one of the methods of giving effect to the Recommendation mentioned in Paragraph 1.

3. For the purpose of giving effect to paragraph 2 of Article 3 of the Radiation Protection Convention, 1960, every Member should have due regard to the recommendations made from time to time by the International Commission on Radiological Protection and standards adopted by other competent organisations.

II. Maximum permissible levels

4. The levels referred to in Articles 6, 7 and 8 of the Radiation Protection Convention, 1960, should be fixed with due regard to the relevant values recommended from time to time by the International Commission on Radiological Protection. In addition, maximum permissible concentrations of radioactive substances in such air and water as can be taken into the body should be fixed on the basis of these levels.

5. Appropriate measures of collective and individual protection should be taken to ensure that the maximum permissible levels referred to in Articles 6, 7 and 8 of the Radiation Protection Convention, 1960, are not exceeded and that the maximum permissible concentrations referred to in Paragraph 4 are not exceeded for such air and water as may be taken into the body.

III. Competent person

6. The employer should appoint a competent person to deal on behalf of the undertaking with questions of protection against ionising radiations.

IV. Methods of protection

7. (1) In cases where they ensure effective protection preference should be given to methods of collective protection, both physical and operational.

(2) Wherever methods of collective protection are inadequate, personal protective equipment and, as necessary, appropriate protective procedures should be used.

8. (1) All protective devices, appliances and apparatus should be so designed or modified as to fulfil their intended purpose.

(2) All appropriate measures should be taken to provide for regular examination of these devices, appliances and apparatus, in order to determine whether they are in good condition, are operating satisfactorily, are properly sited and provide the required protection; in particular they should be examined before being put into use and whenever changes are made in procedures, equipment or shielding.

(3) Any defects found in these devices, appliances and apparatus should be remedied at once; if necessary, the equipment to which they are fitted should be taken immediately out of service and kept out of service until the defects have been remedied.

(4) The competent authority should require the inspection in an appropriate manner and at regular intervals of major items of protective equipment and in particular of monitoring equipment.

9. (1) Unsealed sources should be manipulated with due regard to their toxicity.

(2) The methods of manipulation should be chosen with a view to minimising the risk of entry of radioactive substances into the body and the spread of radioactive contamination.

10. Plans should be made in advance for measures:

- (a) to detect as promptly as possible any leakage from, or breakage of, a sealed source of radioactive substances which may involve a risk of radioactive contamination; and
- (b) to take prompt remedial action to prevent the further spread of radioactive contamination and to apply other appropriate safety precautions, including decontamination procedures, with, as necessary, the immediate collaboration of all authorities concerned.

11. Sources which may involve exposure of workers to ionising radiations, and the areas in which such an exposure may occur or where workers may be exposed to radioactive contamination, should be identified, in appropriate cases, by means of easily recognisable warnings.

12. All sources of radioactive substances, whether sealed or unsealed, in use or stored by an undertaking, should be appropriately recorded.

13. (1) The competent authority should require any employer or undertaking using or having possession of radioactive substances to make reports as prescribed by it on the use of these substances.

(2) The competent authority should prescribe the conditions under which such substances should be stored when not in use.

14. No radioactive substance should be transferred to another employer or undertaking without such notification as may be required by the competent authority.

15. (1) Any person who has reason to believe that a radioactive source has been lost, mislaid, stolen or damaged should immediately notify the competent person referred to in Paragraph 6 above or, if this is not possible, another responsible person who should pass the information to the competent person as soon as possible.

(2) If the loss, theft or damage is confirmed, the competent authority should be notified without delay.

16. In view of the special medical problems involved in the employment of women of child-bearing age in radiation work every care should be taken to ensure that they are not exposed to high radiation risks.

V. Monitoring

17. (1) Appropriate monitoring of workers and places of work should be carried out in order to measure the exposure of workers to ionising radiations and radioactive substances, with a view to ascertaining that the applicable levels are respected.

(2) In the case of external radiation, this monitoring should be effected by films, dosimeters or other suitable means.

(3) In the case of internal radiation, when there is reason to believe that the maximum permissible levels may be approached or have been exceeded, this monitoring should include tests:

- (a) for radioactive contamination;
- (b) if practicable, for body burden.

(4) In addition to measurement of the exposure of the whole body, the monitoring should make it possible to determine the partial exposure of that part of the body where the greatest harm could be done.

18. The competent authority should, where appropriate, require tests to be made for the purpose of detecting contamination of the hands, the body and the clothes of persons leaving a workplace.

19. Persons who carry out monitoring in pursuance of the provisions of the Radiation Protection Convention, 1960, and of this Recommendation, should be afforded adequate equipment and facilities for carrying out this work.

VI. Medical examinations

20. All medical examinations referred to in the Radiation Protection Convention, 1960, should be carried out by a suitably qualified physician.

21. In the cases referred to in Article 13 of the Radiation Protection Convention, 1960, all necessary special medical examinations should be carried out.

22. The medical examinations referred to in the preceding Paragraphs should not involve the workers in any expense.

23. Physicians who carry out such medical examinations should be afforded adequate facilities for ascertaining the conditions of work of the workers concerned.

24. For all workers who undergo such medical examinations health records should be established and kept in accordance with the requirements of the competent authority.

25. These health records should be in a form standardised at the national level.

26. So far as practicable a complete record of all doses received in the course of work by every worker specified in Paragraph 24 of this Recommendation should be kept so that the cumulative dose may be taken into account for employment purposes.

27. If, as the result of such medical advice as is envisaged in Article 14 of the Radiation Protection Convention, 1960, it is inadvisable to subject a worker to further exposure to ionising radiations in that worker's normal employment, every reasonable effort should be made to provide such a worker with suitable alternative employment.

VII. Inspection and notification

28. The inspection services referred to in Article 15 of the Radiation Protection Convention, 1960, should include, or have readily available, a sufficient number of persons fully conversant with radiation hazards and qualified to advise on protection against ionising radiations.

29. (1) Representatives of these inspection services should be empowered to take steps with a view to the remedying of defects observed in installations, apparatus or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers by reason of ionising radiations.

(2) In order to enable representatives of the inspection services to take such steps they should be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by laws or regulations, to make or to have made orders requiring:

- (a) such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the provisions relating to the health or safety of the workers;
- (b) measures with immediate executory force if the danger to the health or safety of the workers makes this necessary.

30. (1) Every member should provide for measures to control the distribution and use of sources of ionising radiations.

(2) These measures should include:

- (a) the notification to the competent authority, as prescribed by it, of the delivery of such sources;
- (b) before work involving exposure of workers to ionising radiations is undertaken for the first time and before substantial extensions or alterations to apparatus or installations emitting ionising

radiations or affording protection against them are carried out, the notification to the competent authority, as prescribed by it, of information concerning the nature of the apparatus or installation and of the measures provided for protection against ionising radiations.

31. The employer should notify the competent authority, as prescribed by it, of a final cessation of work involving exposure of workers to ionising radiations.

VIII. Co-operation of employers and workers

32. Every effort should be made by both the employers and the workers to secure the closest co-operation in carrying out the measures for protection against ionising radiations.

Occupational Cancer Convention, 1974 (No. 139)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	10 June 1976	Geneva, ILC 59th Session (24 June 1974)	39

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and

Noting the terms of the Radiation Protection Convention and Recommendation, 1960, and of the Benzene Convention and Recommendation, 1971, and

Considering that it is desirable to establish international standards concerning protection against carcinogenic substances or agents, and

Taking account of the relevant work of other international organisations, and in particular of the World Health Organisation and the International Agency for Research on Cancer, with which the International Labour Organisation collaborates, and

Having decided upon the adoption of certain proposals regarding control and prevention of occupational hazards caused by carcinogenic substances and agents, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Convention, which may be cited as the Occupational Cancer Convention, 1974:

Article 1

1. Each Member which ratifies this Convention shall periodically determine the carcinogenic substances and agents to which occupational exposure shall be prohibited or made subject to authorisation or control, and those to which other provisions of this Convention shall apply.

2. Exemptions from prohibition may only be granted by issue of a certificate specifying in each case the conditions to be met.

3. In making the determinations required by paragraph 1 of this Article, consideration shall be given to the latest information contained in the codes of practice or guides which may be established by the International Labour Office, as well as to information from other competent bodies.

Article 2

1. Each Member which ratifies this Convention shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.

2. The number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure shall be reduced to the minimum compatible with safety.

Article 3

Each Member which ratifies this Convention shall prescribe the measures to be taken to protect workers against the risks of exposure to carcinogenic substances or agents and shall ensure the establishment of an appropriate system of records.

Article 4

Each Member which ratifies this Convention shall take steps so that workers who have been, are, or are likely to be exposed to carcinogenic substances or agents are provided with all the available information on the dangers involved and on the measures to be taken.

Article 5

Each Member which ratifies this Convention shall take measures to ensure that workers are provided with such medical examinations or biological or other tests or investigations during the period of employment and thereafter as are necessary to evaluate their exposure and supervise their state of health in relation to the occupational hazards.

Article 6

Each Member which ratifies this Convention:

- (a) shall, by laws or regulations or any other method consistent with national practice and conditions and in consultation with the most representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to the provisions of this Convention;
- (b) shall, in accordance with national practice, specify the persons or bodies on whom the obligation of compliance with the provisions of this Convention rests;
- (c) undertakes to provide appropriate inspection services for the purpose of supervising the application of this Convention, or to satisfy itself that appropriate inspection is carried out.

Occupational Cancer Recommendation, 1974 (No. 147)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 59th Session (24 June 1974)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and
 Noting the terms of the Radiation Protection Convention and Recommendation, 1960, and of the Benzene Convention and Recommendation, 1971, and
 Considering that it is desirable to establish international standards concerning protection against carcinogenic substances or agents, and
 Taking account of the relevant work of other international organisations, and in particular of the World Health Organisation and the International Agency for Research on Cancer, with which the International Labour Organisation collaborates, and
 Having decided upon the adoption of certain proposals regarding control and prevention of occupational hazards caused by carcinogenic substances and agents, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four, the following Recommendation, which may be cited as the Occupational Cancer Recommendation, 1974:

I. General provisions

1. Every effort should be made to replace carcinogenic substances and agents to which workers may be exposed in the course of their work by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account should be taken of their carcinogenic, toxic and other properties.
2. The number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure should be reduced to the minimum compatible with safety.
3. (1) The competent authority should prescribe the measures to be taken to protect workers against the risks of exposure to carcinogenic substances or agents.
 (2) The competent authority should keep the measures prescribed up to date, taking into account the codes of practices or guides which may be established by the International Labour Office and the conclusions of meetings of experts which may be convened by the International Labour Office, as well as information from other competent bodies.
4. (1) Employers should make every effort to use work processes which do not cause the formation, and particularly the emission in the working environment, of carcinogenic substances or agents, as main products, intermediates, by-products, waste products or otherwise.
 (2) Where complete elimination of a carcinogenic substance or agent is not possible, employers should use all appropriate measures, in consultation with the workers and their organisations and in the light of advice from competent sources, including occupational health services, to eliminate exposure or reduce it to a minimum in terms of numbers exposed, duration of exposure and degree of exposure.
 (3) In cases to be determined by the competent authority, the employer should make arrangements for the systematic surveillance of the duration and degree of exposure to carcinogenic substances or agents in the working environment.
 (4) Where carcinogenic substances or agents are transported or stored, all appropriate measures should be taken to prevent leakage or contamination.

5. Workers and others involved in occupational situations in which the risk of exposure to carcinogenic substances or agents may occur should conform to the safety procedures laid down and make proper use of all equipment furnished for their protection or the protection of others.

II. Preventive Measures

6. The competent authority should periodically determine the carcinogenic substances and agents to which occupational exposure should be prohibited or made subject to authorisation or control, and those to which other provisions of this Recommendation apply.

7. In making such determinations the competent authority should give consideration to the latest information contained in the codes of practice or guides which may be established by the International Labour Office, and in the conclusions of meetings of experts which may be convened by the International Labour Office, as well as to information from other competent bodies.

8. The competent authority may permit exemptions from prohibition by issue of a certificate specifying in each case:

- (a) the technical, hygiene and personal protection measures to be applied;
- (b) the medical supervision or other tests or investigations to be carried out;
- (c) the records to be maintained; and
- (d) the professional qualifications required of those dealing with the supervision of exposure to the substance or agent in question.

9. (1) For substances and agents subject to authorisation or control, the competent authority should:

- (a) secure the necessary advice, particularly as regards the existence of substitute products or methods and the technical, hygiene and personal protection measures to be applied, as well as the medical supervision or other tests or investigations to be carried out before, during and after assignment to work involving exposure to the substances or agents in question;
- (b) require the institution of such measures as are appropriate,

(2) The competent authority should further establish the criteria for determining the degree of exposure to the substances or agents in question, and where appropriate should specify levels as indicators for surveillance of the working environment in connection with the technical preventive measures required.

10. The competent authority should keep the determination of carcinogenic substances and agents made in pursuance of this Part of this Recommendation up to date.

III. Supervision of health of workers

11. Provision should be made, by laws or regulations or any other method consistent with national practice and conditions, for all workers assigned to work involving exposure to specified carcinogenic substances or agents to undergo as appropriate:

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at suitable intervals;
- (c) biological or other tests and investigations which may be necessary to evaluate their exposure and supervise their state of health in relation to the occupational hazards.

12. The competent authority should ensure that provision is made for appropriate medical examinations or biological or other tests or investigations to continue to be available to the worker after cessation of the assignment referred to in Paragraph 11 of this Recommendation.

13. The examinations, tests and investigations provided for in Paragraphs 11 and 12 of this Recommendation should be carried out as far as possible in working hours and should be free of cost to the workers.

14. If as the result of any action taken in pursuance of this Recommendation it is inadvisable to subject a worker to further exposure to carcinogenic substances or agents in that worker's normal employment, every reasonable effort should be made to provide such a worker with suitable alternative employment.

15. (1) The competent authority should establish and maintain, where practicable and as soon as possible, in association with individual employers and representatives of workers, a system for the prevention and control of occupational cancer including:

- (a) the institution, maintenance, preservation and transfer of records; and
- (b) exchange of information.

(2) In establishing such a system of records and exchange of information, account should be taken of the assistance which may be provided by international and national organisations, including organisations of employers and workers, and by individual employers.

(3) In the case of closure of an undertaking, records and information held in compliance with this Paragraph should be dealt with in accordance with the directions of the competent authority.

(4) In any country in which the competent authority does not establish such a system of records and information, the employer, in consultation with representatives of workers, should make every effort to attain the objectives of this Paragraph.

IV. Information and education

16. (1) The competent authority should promote epidemiological and other studies and collect and disseminate information relevant to occupational cancer risks, with the assistance as appropriate of international and national organisations, including organisations of employers and workers.

(2) It should endeavour to establish the criteria for determining the carcinogenicity of substances and agents.

17. The competent authority should draw up suitable educational guides for both employers and workers on substances and agents liable to give rise to occupational cancer.

18. Employers should seek information, especially from the competent authority, on carcinogenic hazards which may arise with regard to any substance or agent introduced or to be introduced into the undertaking; when a carcinogenic potential is suspected, they should decide in consultation with the competent authority on the additional studies to be carried out.

19. Employers should ensure that in the case of any substance or agent which is carcinogenic there is at the workplace an appropriate indication to any worker who may be liable to exposure of the danger which may arise.

20. Employers should instruct their workers before assignment and regularly thereafter, as well as on introduction of a new carcinogenic substance or agent, on the dangers of exposure to carcinogenic substances and agents and on the measures to be taken.

21. Employers' and workers' organisations should take positive action to carry out programmes of information and education with regard to the hazards of occupational cancer, and should encourage their members to participate fully in programmes of prevention and control.

V. Measures of application

22. Each Member should:

- (a) by laws or regulations or any other method consistent with national practice and conditions, take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation;
- (b) in accordance with national practice, specify the bodies or persons on whom the obligation of compliance with the provisions of this Recommendation rests;
- (c) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out.

23. In applying the provisions of this Recommendation, the competent authority should consult with the most representative organisations of employers and workers concerned.

Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 July 1979	Geneva, ILC 63rd Session (20 June 1977)	45

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-third Session on 1 June 1977, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant and, in particular, the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Employment Injury Benefits Convention, 1964, the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, the Benzene Convention and Recommendation, 1971, and the Occupational Cancer Convention and Recommendation, 1974, and

Having decided upon the adoption of certain proposals with regard to working environment: atmospheric pollution, noise and vibration, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twentieth day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977:

Part I. Scope and definitions

Article 1

1. This Convention applies to all branches of economic activity.
2. A Member ratifying this Convention may, after consultation with the representative organisations of employers and workers concerned, where such exist, exclude from the application of the Convention particular branches of economic activity in respect of which special problems of a substantial nature arise.
3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the branches excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such branches.

Article 2

1. Each Member, after consultation with the representative organisations of employers and workers, where such exist, may accept the obligations of this Convention separately in respect of:
 - (a) air pollution;
 - (b) noise; and
 - (c) vibration.

2. A Member which does not accept the obligations of the Convention in respect of one or more of the categories of hazards shall specify this in its ratification and shall give reasons in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation; it shall state in subsequent reports the position of its law and practice in respect of the category or categories of hazards excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of each such category of hazards.

3. Each Member which has not on ratification accepted the obligations of this Convention in respect of all the categories of hazards shall subsequently, when it is satisfied that conditions permit this, notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of a category or categories previously excluded.

Article 3

For the purpose of this Convention:

- (a) the term *air pollution* covers all air contaminated by substances, whatever their physical state, which are harmful to health or otherwise dangerous;
- (b) the term *noise* covers all sound which can result in hearing impairment or be harmful to health or otherwise dangerous;
- (c) the term *vibration* covers any vibration which is transmitted to the human body through solid structures and is harmful to health or otherwise dangerous.

Part II. General provisions

Article 4

1. National laws or regulations shall prescribe that measures be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.

2. Provisions concerning the practical implementation of the measures so prescribed may be adopted through technical standards, codes of practice and other appropriate methods.

Article 5

1. In giving effect to the provisions of this Convention, the competent authority shall act in consultation with the most representative organisations of employers and workers concerned.

2. Representatives of employers and workers shall be associated with the elaboration of provisions concerning the practical implementation of the measures prescribed in pursuance of Article 4.

3. Provision shall be made for as close a collaboration as possible at all levels between employers and workers in the application of the measures prescribed in pursuance of this Convention.

4. Representatives of the employer and representatives of the workers of the undertaking shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

Article 6

1. Employers shall be made responsible for compliance with the prescribed measures.

2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall have the duty to collaborate in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of his employees. In appropriate circumstances, the competent authority shall prescribe general procedures for this collaboration.

Article 7

1. Workers shall be required to comply with safety procedures relating to the prevention and control of, and protection against, occupational hazards due to air pollution, noise and vibration in the working environment.

2. Workers or their representatives shall have the right to present proposals, to obtain information and training and to appeal to appropriate bodies so as to ensure protection against occupational hazards due to air pollution, noise and vibration in the working environment.

Part III. Preventive and protective measure

Article 8

1. The competent authority shall establish criteria for determining the hazards of exposure to air pollution, noise and vibration in the working environment and, where appropriate, shall specify exposure limits on the basis of these criteria.

2. In the elaboration of the criteria and the determination of the exposure limits the competent authority shall take into account the opinion of technically competent persons designated by the most representative organisations of employers and workers concerned.

3. The criteria and exposure limits shall be established, supplemented and revised regularly in the light of current national and international knowledge and data, taking into account as far as possible any increase in occupational hazards resulting from simultaneous exposure to several harmful factors at the workplace.

Article 9

As far as possible, the working environment shall be kept free from any hazard due to air pollution, noise or vibration:

- (a) by technical measures applied to new plant or processes in design or installation, or added to existing plant or processes; or, where this is not possible,
- (b) by supplementary organisational measures.

Article 10

Where the measures taken in pursuance of Article 9 do not bring air pollution, noise and vibration in the working environment within the limits specified in pursuance of Article 8, the employer shall provide and maintain suitable personal protective equipment. The employer shall not require a worker to work without the personal protective equipment provided in pursuance of this Article.

Article 11

1. There shall be supervision at suitable intervals, on conditions and in circumstances determined by the competent authority, of the health of workers exposed or liable to be exposed to occupational hazards due to air pollution, noise or vibration in the working environment. Such supervision shall include a pre-assignment medical examination and periodical examinations, as determined by the competent authority.

2. The supervision provided for in paragraph 1 of this Article shall be free of cost to the worker concerned.

3. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort shall be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment or to maintain his income through social security measures or otherwise.

4. In implementing this Convention, the rights of workers under social security or social insurance legislation shall not be adversely affected.

Article 12

The use of processes, substances, machinery and equipment, to be specified by the competent authority, which involve exposure of workers to occupational hazards in the working environment due to air pollution, noise or vibration, shall be notified to the competent authority and the competent authority, as appropriate, may authorise the use on prescribed conditions or prohibit it.

Article 13

All persons concerned shall be adequately and suitably:

- (a) informed of potential occupational hazards in the working environment due to air pollution, noise and vibration; and
- (b) instructed in the measures available for the prevention and control of, and protection against, those hazards.

Article 14

Measures taking account of national conditions and resources shall be taken to promote research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration.

Part IV. Measures of application

Article 15

On conditions and in circumstances determined by the competent authority, the employer shall be required to appoint a competent person, or use a competent outside service or service common to several undertakings, to deal with matters pertaining to the prevention and control of air pollution, noise and vibration in the working environment.

Article 16

Each Member shall:

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Convention;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Convention, or satisfy itself that appropriate inspection is carried out.

Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 63rd Session (20 June 1977)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant and, in particular, the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Employment Injury Benefits Convention, 1964, the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, the Benzene Convention and Recommendation, 1971, and the Occupational Cancer Convention and Recommendation, 1974, and

Having decided upon the adoption of certain proposals with regard to working environment: atmospheric pollution, noise and vibration, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977,

adopts this twentieth day of June of the year one thousand nine hundred and seventy-seven, the following Recommendation, which may be cited as the Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977:

I. Scope

1. (1) To the greatest extent possible, the provisions of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and of this Recommendation should be applied to all branches of economic activity.

(2) Measures should be taken to give self-employed persons protection in the working environment analogous to that provided for in the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and in this Recommendation.

II. Preventive and protective measures

2. (1) The competent authority should prescribe the nature, frequency and other conditions of monitoring of air pollution, noise and vibration in the working environment to be carried out on the employer's responsibility.

(2) Special monitoring in relation to the exposure limits referred to in Article 8 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be undertaken in the working environment when machinery or installations are first put into use or significantly modified, or when new processes are introduced.

3. It should be the duty of the employer to arrange for equipment used to monitor air pollution, noise and vibration in the working environment to be regularly inspected, maintained and calibrated.

4. The workers and/or their representatives and the inspection services should be afforded access to the records of the monitoring of the working environment and to the records of inspection, maintenance and calibration of apparatus and equipment used therefor.

5. Substances which are harmful to health or otherwise dangerous and which are liable to be airborne in the working environment should, as far as possible, be replaced by less harmful or harmless substances.

6. Processes involving air pollution, noise or vibration in the working environment as defined in Article 3 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be replaced as far as possible by processes involving less or no air pollution, noise or vibration.

7. The competent authority should determine the substances of which the manufacture, supply or use in the working environment should be prohibited or made subject to its specific authorisation, requiring compliance with particular measures of prevention or protection.

8. (1) In appropriate cases the competent authority should approve standards for the emission levels of machinery and installations as regards air pollution, noise and vibration.

(2) Those standards should be attained as appropriate by:

- (a) design; or
- (b) built-in devices; or
- (c) technical measures during installation.

(3) An obligation to ensure compliance with these standards should be placed on the manufacturer or the supplier of the machinery or installations.

9. Where necessary, the manufacture, supply or use of machinery and installations which cannot, in the light of the most recent technical knowledge, meet the requirements of Paragraph 8 of this Recommendation should be made subject to authorisation by the competent authority requiring compliance with other appropriate technical or administrative protective measures.

10. The provisions of Paragraphs 8 and 9 of this Recommendation should not relieve the employer of his obligations in pursuance of Article 6 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977.

11. The employer should ensure the regular inspection and maintenance of machines and installations, with respect to the emission of harmful substances, dust, noise and vibration.

12. The competent authority should, when necessary for the protection of the workers' health, establish a procedure for the approval of personal protective equipment.

13. In pursuance of Article 9, subparagraph (b), of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, the competent authority should, as appropriate, provide for or promote, in consultation with employers' and workers' organisations, the reduction of exposure through suitable systems or schedules of work organisation, including the reduction of working time without loss of pay.

14. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take into consideration the most recent codes of practice or guides established by the International Labour Office and the conclusions of meetings of experts which may be convened by the International Labour Office, as well as information from other competent bodies.

15. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take account of the relationship between the protection of the working environment and the protection of the general environment.

III. Supervision of the health of workers

16. (1) The supervision of the health of workers provided for in Article 11 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should include, as determined by the competent authority:

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at suitable intervals;
- (c) biological or other tests or investigations which may be necessary to control the degree of exposure and supervise the state of health of the worker concerned;
- (d) medical examinations or biological or other tests or investigations after cessation of the assignment which, when medically indicated, should be made available as of right on a regular basis and over a prolonged period.

(2) The competent authority should require that the results of any such examinations or tests be made available to the worker, and at his request to his personal physician.

17. The supervision provided for in Paragraph 16 of this Recommendation should normally be carried out in working hours and should be free of cost to the worker.

18. (1) The competent authority should develop a system of records of the medical information obtained in pursuance of Paragraph 16 of this Recommendation and should determine the manner in which it is to operate. Provision should be made for the maintenance of such records for an appropriate period of time to assure their availability, in terms which will permit personal identification by the competent authority only, for epidemiological and other research.

(2) To the extent determined by the competent authority, the records should include information on occupational exposure to air pollution, noise and vibration in the working environment.

19. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort should be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment and to maintain his previous income through social security measures or otherwise.

20. In implementing this Recommendation, the rights of workers under social security or social insurance legislation should not be adversely affected.

IV. Training, information and research

21. (1) The competent authority should take measures to promote the training and information of all persons concerned with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

(2) Representatives of the workers of the undertaking should be informed and consulted in advance by the employer on projects, measures and decisions which are liable to have harmful consequences on the health of workers, in connection with air pollution, noise and vibration in the working environment. (3) Before being assigned to work liable to involve exposure to hazards of air pollution, noise or vibration, workers should be informed by the employer of the hazards, of safety and health measures, and of possibilities of having recourse to medical services.

22. (1) The competent authority, in close co-operation with employers' and workers' organisations, should promote, assist and stimulate research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration, with the assistance, as appropriate, of international and national organisations.

(2) All concerned should be informed of the objectives and results of such research.

23. Employers' and workers' organisations should take positive action to carry out programmes of training and information with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

24. Workers' representatives within undertakings should have the facilities and necessary time, without loss of pay, to play an active role in respect of the prevention and control of, and the protection against, occupational hazards in the working environment due to air pollution, noise and vibration. For this purpose, they should have the right to seek assistance from recognised experts of their choice.

25. Such measures as are necessary should be taken to secure that, in connection with the use at a workplace of a substance liable to be harmful to health or otherwise dangerous, adequate information is available on:

- (a) the results of any relevant tests relating to the substance; and
- (b) the conditions required to ensure that, when properly used, it is without danger to the health of workers.

V. Measures of application

26. Each Member should:

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation;

- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out;
- (c) endeavour to do so as speedily as national conditions permit.

27. In giving effect to the provisions of this Recommendation the competent authority should act in consultation with the most representative organisations of employers and workers concerned, and, as appropriate, manufacturers', suppliers' and importers' organisations.

28. (1) The provisions of this Recommendation which relate to the design, manufacture and supply of machinery and equipment to an approved standard should apply forthwith to newly manufactured machinery and equipment.

(2) The competent authority should, as soon as possible, specify time limits appropriate to their nature for the modification of existing machinery and equipment.

Asbestos Convention, 1986 (No. 162)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	16 June 1989	Geneva, ILC 72nd Session (24 June 1986)	35

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-second Session on 4 June 1986, and

Noting the relevant international labour Conventions and Recommendations, and in particular the Occupational Cancer Convention and Recommendation, 1974, the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, the list of occupational diseases as revised in 1980 appended to the Employment Injury Benefits Convention, 1964, as well as the Code of practice on safety in the use of asbestos, published by the International Labour Office in 1984, which establish the principles of national policy and action at the national level,

Having decided upon the adoption of certain proposals with regard to safety in the use of asbestos, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-fourth day of June of the year one thousand nine hundred and eighty-six the following Convention, which may be cited as the Asbestos Convention, 1986:

Part I. Scope and definitions

Article 1

1. This Convention applies to all activities involving exposure of workers to asbestos in the course of work.

2. A Member ratifying this Convention may, after consultation with the most representative organisations of employers and workers concerned, and on the basis of an assessment of the health hazards involved and the safety measures applied, exclude particular branches

of economic activity or particular undertakings from the application of certain provisions of the Convention when it is satisfied that their application to these branches or undertakings is unnecessary.

3. The competent authority, when deciding on the exclusion of particular branches of economic activity or particular undertakings, shall take into account the frequency, duration and level of exposure, as well as the type of work and the conditions at the workplace.

Article 2

For the purpose of this Convention-

- (a) the term ***asbestos*** means the fibrous form of mineral silicates belonging to rock-forming minerals of the serpentine group, i.e. chrysotile (white asbestos), and of the amphibole group, i.e. actinolite, amosite (brown asbestos, cummingtonite-grunerite), anthophyllite, crocidolite (blue asbestos), tremolite, or any mixture containing one or more of these;
- (b) the term ***asbestos dust*** means airborne particles of asbestos or settled particles of asbestos which are liable to become airborne in the working environment;
- (c) the term ***airborne asbestos dust*** means, for purposes of measurement, dust particles measured by gravimetric assessment or other equivalent method;
- (d) the term ***respirable asbestos fibres*** means asbestos fibres having a diameter of less than 3 micrometre and a length-to-diameter ratio greater than 3:1. Only fibres of a length greater than 5 micrometre shall be taken into account for purposes of measurement;
- (e) the term ***exposure to asbestos*** means exposure at work to airborne respirable asbestos fibres or asbestos dust, whether originating from asbestos or from minerals, materials or products containing asbestos;
- (f) the term ***workers*** includes the members of production co-operatives;
- (g) the term ***workers' representatives*** means the workers' representatives recognised as such by national law or practice, in conformity with the Workers' Representatives Convention, 1971.

Part II. General principles

Article 3

1. National laws or regulations shall prescribe the measures to be taken for the prevention and control of, and protection of workers against, health hazards due to occupational exposure to asbestos.

2. National laws and regulations drawn up in pursuance of paragraph 1 of this Article shall be periodically reviewed in the light of technical progress and advances in scientific knowledge.

3. The competent authority may permit temporary derogations from the measures prescribed pursuant to paragraph 1 of this Article, under conditions and within limits of time to be determined after consultation with the most representative organisations of employers and workers concerned.

4. In granting derogations in pursuance of paragraph 3 of this Article, the competent authority shall ensure that the necessary precautions are taken to protect the workers' health.

Article 4

The competent authority shall consult the most representative organisations of employers and workers concerned on the measures to be taken to give effect to the provisions of this Convention.

Article 5

1. The enforcement of the laws and regulations adopted pursuant to Article 3 of this Convention shall be secured by an adequate and appropriate system of inspection.

2. National laws or regulations shall provide for the necessary measures, including appropriate penalties, to ensure effective enforcement of and compliance with the provisions of this Convention.

Article 6

1. Employers shall be made responsible for compliance with the prescribed measures.

2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall co-operate in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of the workers he employs. The competent authority shall prescribe the general procedures of this co-operation when it is necessary.

3. Employers shall, in co-operation with the occupational safety and health services, and after consultation with the workers' representatives concerned, prepare procedures for dealing with emergency situations.

Article 7

Workers shall be required, within the limits of their responsibility, to comply with prescribed safety and hygiene procedures relating to the prevention and control of, and protection against, health hazards due to occupational exposure to asbestos.

Article 8

Employers and workers or their representatives shall co-operate as closely as possible at all levels in the undertaking in the application of the measures prescribed pursuant to this Convention.

Part III. Protective and preventive measures*Article 9*

The national laws or regulations adopted pursuant to Article 3 of this Convention shall provide that exposure to asbestos shall be prevented or controlled by one or more of the following measures:

- (a) making work in which exposure to asbestos may occur subject to regulations prescribing adequate engineering controls and work practices, including workplace hygiene;
- (b) prescribing special rules and procedures, including authorisation, for the use of asbestos or of certain types of asbestos or products containing asbestos or for certain work processes.

Article 10

Where necessary to protect the health of workers and technically practicable, national laws or regulations shall provide for one or more of the following measures-

- (a) replacement of asbestos or of certain types of asbestos or products containing asbestos by other materials or products or the use of alternative technology, scientifically evaluated by the competent authority as harmless or less harmful, whenever this is possible;
- (b) total or partial prohibition of the use of asbestos or of certain types of asbestos or products containing asbestos in certain work processes.

Article 11

1. The use of crocidolite and products containing this fibre shall be prohibited.
2. The competent authority shall be empowered, after consultation with the most representative organisations of employers and workers concerned, to permit derogations from the prohibition contained in paragraph 1 of this Article when replacement is not reasonably practicable, provided that steps are taken to ensure that the health of workers is not placed at risk.

Article 12

1. Spraying of all forms of asbestos shall be prohibited.
2. The competent authority shall be empowered, after consultation with the most representative organisations of employers and workers concerned, to permit derogations from the prohibition contained in paragraph 1 of this Article when alternative methods are not reasonably practicable, provided that steps are taken to ensure that the health of workers is not placed at risk.

Article 13

National laws and regulations shall provide that employers shall notify to the competent authority, in a manner and to the extent prescribed by it, certain types of work involving exposure to asbestos.

Article 14

Producers and suppliers of asbestos and manufacturers and suppliers of products containing asbestos shall be made responsible for adequate labelling of the container and, where appropriate, the products, in a language and manner easily understood by the workers and the users concerned, as prescribed by the competent authority.

Article 15

1. The competent authority shall prescribe limits for the exposure of workers to asbestos or other exposure criteria for the evaluation of the working environment.
2. The exposure limits or other exposure criteria shall be fixed and periodically reviewed and updated in the light of technological progress and advances in technological and scientific knowledge.
3. In all workplaces where workers are exposed to asbestos, the employer shall take all appropriate measures to prevent or control the release of asbestos dust into the air, to ensure that the exposure limits or other exposure criteria are complied with and also to reduce exposure to as low a level as is reasonably practicable.
4. When the measures taken in pursuance of paragraph 3 of this Article do not bring exposure to asbestos within the exposure limits or do not comply with the other exposure criteria specified in pursuance of paragraph 1 of this Article, the employer shall provide, maintain and replace, as necessary, at no cost to the workers, adequate respiratory protective equipment and special protective clothing as appropriate. Respiratory protective equipment shall comply with standards set by the competent authority, and be used only as a supplementary, temporary, emergency or exceptional measure and not as an alternative to technical control.

Article 16

Each employer shall be made responsible for the establishment and implementation of practical measures for the prevention and control of the exposure of the workers he employs to asbestos and for their protection against the hazards due to asbestos.

Article 17

1. Demolition of plants or structures containing friable asbestos insulation materials, and removal of asbestos from buildings or structures in which asbestos is liable to become airborne, shall be undertaken only by employers or contractors who are recognised by the competent authority as qualified to carry out such work in accordance with the provisions of this Convention and who have been empowered to undertake such work.

2. The employer or contractor shall be required before starting demolition work to draw up a work plan specifying the measures to be taken, including measures to:

- (a) provide all necessary protection to the workers;
- (b) limit the release of asbestos dust into the air; and
- (c) provide for the disposal of waste containing asbestos in accordance with Article 19 of this Convention.

3. The workers or their representatives shall be consulted on the work plan referred to in paragraph 2 of this Article.

Article 18

1. Where workers' personal clothing may become contaminated with asbestos dust, the employer, in accordance with national laws or regulations and in consultation with the workers' representatives, shall provide appropriate work clothing, which shall not be worn outside the workplace.

2. The handling and cleaning of used work clothing and special protective clothing shall be carried out under controlled conditions, as required by the competent authority, to prevent the release of asbestos dust.

3. National laws or regulations shall prohibit the taking home of work clothing and special protective clothing and of personal protective equipment.

4. The employer shall be responsible for the cleaning, maintenance and storage of work clothing, special protective clothing and personal protective equipment.

5. The employer shall provide facilities for workers exposed to asbestos to wash, take a bath or shower at the workplace, as appropriate.

Article 19

1. In accordance with national law and practice, employers shall dispose of waste containing asbestos in a manner that does not pose a health risk to the workers concerned, including those handling asbestos waste, or to the population in the vicinity of the enterprise.

2. Appropriate measures shall be taken by the competent authority and by employers to prevent pollution of the general environment by asbestos dust released from the workplace.

Part IV. Surveillance of the working environment and workers' health

Article 20

1. Where it is necessary for the protection of the health of workers, the employer shall measure the concentrations of airborne asbestos dust in workplaces, and shall monitor the exposure of workers to asbestos at intervals and using methods specified by the competent authority.

2. The records of the monitoring of the working environment and of the exposure of workers to asbestos shall be kept for a period prescribed by the competent authority.

3. The workers concerned, their representatives and the inspection services shall have access to these records.

4. The workers or their representatives shall have the right to request the monitoring of the working environment and to appeal to the competent authority concerning the results of the monitoring.

Article 21

1. Workers who are or have been exposed to asbestos shall be provided, in accordance with national law and practice, with such medical examinations as are necessary to supervise their health in relation to the occupational hazard, and to diagnose occupational diseases caused by exposure to asbestos.

2. The monitoring of workers' health in connection with the use of asbestos shall not result in any loss of earnings for them. It shall be free of charge and, as far as possible, shall take place during working hours.

3. Workers shall be informed in an adequate and appropriate manner of the results of their medical examinations and receive individual advice concerning their health in relation to their work.

4. When continued assignment to work involving exposure to asbestos is found to be medically inadvisable, every effort shall be made, consistent with national conditions and practice, to provide the workers concerned with other means of maintaining their income.

5. The competent authority shall develop a system of notification of occupational diseases caused by asbestos.

Part V. Information and education

Article 22

1. The competent authority shall make appropriate arrangements, in consultation and collaboration with the most representative organisations of employers and workers concerned, to promote the dissemination of information and the education of all concerned with regard to health hazards due to exposure to asbestos and to methods of prevention and control.

2. The competent authority shall ensure that employers have established written policies and procedures on measures for the education and periodic training of workers on asbestos hazards and methods of prevention and control.

3. The employer shall ensure that all workers exposed or likely to be exposed to asbestos are informed about the health hazards related to their work, instructed in preventive measures and correct work practices and receive continuing training in these fields.

Asbestos Recommendation, 1986 (No. 172)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 72nd Session (24 June 1986)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-second Session on 4 June 1986, and

Noting the relevant international labour Conventions and Recommendations, and in particular the Occupational Cancer Convention and Recommendation, 1974, the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, the list of occupational diseases as revised in 1980 appended to the Employment Injury Benefits Convention, 1964, as well as the Code of practice on safety in the use of asbestos, published by the International Labour Office in 1984, which establish the principles of national policy and action at the national level, and

Having decided upon the adoption of certain proposals with regard to safety in the use of asbestos, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Asbestos Convention, 1986,

adopts this twenty-fourth day of June of the year one thousand nine hundred and eighty-six, the following Recommendation, which may be cited as the Asbestos Recommendation, 1986;

I. Scope and definitions

1. (1) The provisions of the Asbestos Convention, 1986, and of this Recommendation should be applied to all activities involving a risk of exposure of workers to asbestos in the course of work.

(2) Measures should be taken, in accordance with national law and practice, to afford to self-employed persons protection analogous to that provided for in the Asbestos Convention, 1986, and in this Recommendation.

(3) Employment of young persons of less than 18 years of age in activities involving a risk of occupational exposure to asbestos should receive special attention, as required by the competent authority.

2. Activities involving a risk of occupational exposure to asbestos should include in particular:

- (a) mining and milling of minerals containing asbestos;
- (b) manufacture of materials or products containing asbestos;
- (c) use or application of products containing asbestos;
- (d) stripping, repair or maintenance of products containing asbestos;
- (e) demolition or repair of plant or structure containing asbestos;
- (f) transportation, storage and handling of asbestos or materials containing asbestos;
- (g) other activities involving a risk of exposure to airborne asbestos dust.

3. For the purpose of this Recommendation:

- (a) the term *asbestos* means the fibrous form of mineral silicate belonging to rock-forming minerals of the serpentine group, i.e. chrysotile (white asbestos), and of the amphibole group, i.e. actinolite amosite (brown asbestos, cummingtonite-grunerite), anthophyllite, crocidolite (blue asbestos), tremolite, or any mixture containing one or more of these;
- (b) the term *asbestos dust* means airborne particles of asbestos or settled particles of asbestos which are liable to become airborne in the working environment;
- (c) the term *airborne asbestos dust* means, for purposes of measurement, dust particles measured by gravimetric assessment or other equivalent method;

- (d) the term *respirable asbestos fibres* means asbestos fibres having a diameter of less than 3 Wm, and a length-to-diameter ratio greater than 3:1. Only fibres of a length greater than 5 Wm should be taken into account for the purpose of measurement;
- (e) the term *exposure to asbestos* means exposure at work to airborne respirable asbestos fibres or asbestos dust, whether originating from asbestos or from minerals, materials or products containing asbestos;
- (f) the term *workers* includes the members of production co-operatives.
- (g) the term *workers' representatives* means the workers' representatives recognised as such by national law or practice, in conformity with the Workers' Representatives Convention, 1971.

II. General principles

4. The measures prescribed pursuant to Article 3 of the Asbestos Convention, 1986, should be so framed as to cover the diversity of risks of occupational exposure to asbestos in all branches of economic activity, and should be drawn up with due regard to Articles 1 and 2 of the Occupational Cancer Convention, 1974.

5. The competent authority should periodically review the measures prescribed, taking into account the Code of practice on safety in the use of asbestos published by the International Labour Office and other codes of practice or guides which may be established by the International Labour Office and the conclusions of meetings of experts which may be convened by it, as well as information from other competent bodies on asbestos and substitute materials.

6. The competent authority, in the application of the provisions of this Recommendation, should act after consultation with the most representative organisations of employers and workers.

7. (1) The employer should use all appropriate measures, in consultation and co-operation with the workers concerned or their representatives and in the light of advice from competent sources, including occupational health services, to prevent or control exposure to asbestos.

(2) In accordance with national law and practice, consultation and co-operation between an employer and the workers he employs might be carried out through:

- (a) workers' safety delegates;
- (b) workers' safety and health committees or joint safety and health committees;
- (c) other workers' representatives.

8. Workers engaged in work with asbestos or products containing asbestos should be required within the limits of their responsibility to comply with the prescribed safety and hygiene procedures, including the use of adequate protective equipment.

9. (1) A worker who has removed himself from a work situation which he has reasonable justification to believe presents serious danger to his life or health should:

- (a) alert his immediate supervisor;
- (b) be protected from retaliatory or disciplinary measures, in accordance with national conditions and practice.

(2) No measure prejudicial to a worker should be taken by reference to the fact that, in good faith, he complained of what he considered to be a breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of occupational safety and health and the working environment.

III. Protective and preventive measures

10. (1) The competent authority should ensure that exposure to asbestos is prevented or controlled by prescribing engineering controls and work practices, including workplace hygiene, which afford maximum protection to workers.

(2) The competent authority should periodically determine, on the basis of the level of exposure and the circumstances and conditions prevailing in the working environment, and in the light of scientific research and technological progress:

- (a) the types of asbestos and products containing asbestos whose use should be subject to authorisation and the work processes which should be subject to authorisation;

(b) the types of asbestos and products containing asbestos whose use should be totally or partially prohibited and the work processes in which the use of asbestos or certain types of asbestos or products containing asbestos should be prohibited.

(3) The prohibition or authorisation of the use of certain types of asbestos or products containing asbestos and their replacement by other substances should be based on scientific assessment of their danger to health.

11. (1) The competent authority should encourage research into technical and health problems relating to exposure to asbestos, substitute materials and alternative technologies.

(2) The competent authority should encourage research into and development of products containing asbestos, other substitute materials or alternative technologies which are harmless or less harmful, with a view to eliminating or decreasing the risk for the workers.

12. (1) The competent authority, wherever necessary for the protection of the workers, should require the replacement of asbestos by substitute materials, wherever possible.

(2) Before being accepted for use in any process, all potential substitute materials should be thoroughly evaluated for their possible harmful effects on health. The health of workers exposed to such materials should be continuously supervised, if judged necessary.

13. (1) With a view to the effective enforcement of the national laws and regulations, the competent authority should prescribe the information to be supplied in the notifications of work with asbestos provided for in Article 13 of the Asbestos Convention, 1986.

(2) This information should include in particular the following:

- (a) the type and quantity of asbestos used;
- (b) the activities and processes carried out;
- (c) the products manufactured;
- (d) the number of workers exposed and the level and frequency of their exposure;
- (e) the preventive and protective measures taken to comply with the national laws and regulations;
- (f) any other information necessary to safeguard the workers' health.

14. (1) Demolition of those parts of plants or structures which contain friable asbestos insulation materials, and removal of asbestos from buildings or structures in which asbestos is liable to become airborne, should be subject to authorisation, which should be granted only to employers or contractors who are recognised by the competent authority as qualified to carry out such work in accordance with the provisions of this Recommendation.

(2) The employer or contractor should be required before starting demolition or removal work to draw up a work plan specifying the measures to be taken before the commencement of work, including measures to:

- (a) provide all necessary protection to the workers;
- (b) limit the release of asbestos dust into the air;
- (c) inform workers who may be affected of the possible release of asbestos dust into the air, of the general procedures and equipment to be used, and of the precautions to be taken; and
- (d) provide for the disposal of waste containing asbestos in accordance with Paragraph 28 of this Recommendation.

(3) The workers or their representatives should be consulted concerning the work plan referred to in subparagraph (2) above.

15. (1) Each employer should establish and implement, with the participation of the workers he employs, a programme for the prevention and control of the workers' exposure to asbestos. This programme should be reviewed at regular intervals and in the light of changes in the work processes and machinery used or in the techniques and methods of prevention and control.

(2) The competent authority should, in accordance with national practice, undertake activities to assist in particular small undertakings, where technical knowledge or means may be lacking, with the establishment of preventive programmes in cases in which exposure to asbestos may occur.

16. Technical protective appliances and appropriate work practices should be adopted to prevent the release of asbestos dust into the air of workplaces. Even where exposure limits or other

exposure criteria are complied with, such measures should be taken so as to reduce the exposure to as low a level as is reasonably practicable.

17. The measures to be taken to prevent or control the exposure, and to avoid exposure, of workers to asbestos should include in particular the following:

- (a) asbestos should be used only when its risks can be prevented or controlled; otherwise, it should be replaced, when technically feasible, by other materials or the use of alternative technologies, scientifically evaluated as harmless or less harmful;
- (b) the number of persons assigned to work involving exposure to asbestos and the duration of their exposure should be kept to the minimum required for the safe performance of the task;
- (c) machinery, equipment and work processes should be used which eliminate or minimise the formation of asbestos dust, and particularly its release into the working and general environment;
- (d) workplaces where the use of asbestos may result in the release of asbestos dust into the air should be separated from the general working environment in order to avoid possible exposure of other workers to asbestos;
- (e) the areas of activity which involve exposure to asbestos should be clearly demarcated and indicated by warning signs restricting unauthorised access;
- (f) the location of asbestos used in the construction of premises should be recorded.

18. (1) The use of crocidolite and products containing this fibre should be prohibited.

(2) The competent authority should be empowered, after consultation with the most representative organisations of employers and workers concerned, to permit derogations from the prohibition contained in subparagraph (1) above when replacement is not reasonably practicable, provided that steps are taken to ensure that the health of workers is not placed at risk.

19. (1) Spraying of all forms of asbestos should be prohibited.

(2) The installation of friable asbestos insulation materials should be prohibited.

(3) The competent authority should be empowered, after consultation with the most representative organisations of employers and workers concerned, to permit derogations from the prohibition contained in subparagraphs (1) and (2) above when alternative methods are not reasonably practicable, provided that steps are taken to ensure that the health of workers is not placed at risk.

20. (1) Producers and suppliers of asbestos and manufacturers and suppliers of products containing asbestos should be made responsible for the appropriate and adequate labelling of the container or product.

(2) National laws or regulations should require that the label be printed in the language or languages in common use in the country concerned and indicate that the container or product contains asbestos, that the inhalation of asbestos dust carries a health risk, and that appropriate protective measures should be taken.

(3) National laws or regulations should require producers and suppliers of asbestos and manufacturers and suppliers of products containing asbestos to develop and provide a data sheet listing the asbestos content, health hazards and appropriate protective measures for the material or product.

21. The system of inspection provided for in Article 5 of the Asbestos Convention, 1986, should be based on the provisions of the Labour Inspection Convention, 1947. Inspection should be carried out by qualified personnel. The inspection services should be able to obtain from the employer the information referred to in Paragraph 13 above.

22. (1) The exposure limits should be fixed by reference to the time-weighted concentration of airborne asbestos dust, commonly expressed in terms of an eight-hour day and a 40-hour week, and to a recognised method of sampling and measuring.

(2) The exposure limits should be periodically reviewed and updated in the light of technological progress and advances in technical and medical knowledge.

23. The installations, ventilation systems, machinery and protective appliances for asbestos dust control should be regularly checked and maintained in good working order.

24. Workplaces should be cleaned by a safe method as frequently as is necessary to prevent the accumulation of asbestos dust on surfaces. The provisions of the Asbestos Convention, 1986, and this Recommendation should apply to the cleaning staff.

25. (1) When hazards from airborne asbestos dust cannot be otherwise prevented or controlled, the employer should provide, maintain and replace as necessary, at no cost to the workers, adequate respiratory protective equipment and special clothing as appropriate. In such situations, the workers should be required to use such equipment.

(2) Respiratory protective equipment should comply with standards set by the competent authority and be used only as a supplementary, temporary, emergency or exceptional measure and not as an alternative to technical control.

(3) When the use of respiratory equipment is required, adequate rest breaks in appropriate rest areas should be provided for, taking into account the physical strain caused by the use of such equipment.

26. (1) Where workers' personal clothing may become contaminated with asbestos dust, the employer, in accordance with national laws or regulations and in consultation with the workers' representatives, should provide at no cost to the worker appropriate work clothing, which should not be worn outside the workplace.

(2) Employers should provide workers with adequate information in an appropriate form on the health hazards to their families or others which could result from taking home clothing contaminated by asbestos dust.

(3) The handling and cleaning of used work clothing and special protective clothing should be carried out under controlled conditions, as required by the competent authority, to prevent the release of asbestos dust.

27. (1) For workers who are exposed to asbestos, double changing rooms, washing facilities, showers and rest areas, as appropriate, should be provided.

(2) Adequate time should be allowed, within working hours, for changing, showering or washing after the work shift, in accordance with national practice.

28. (1) In accordance with national law and practice, employers should dispose of waste containing asbestos in a manner that does not pose a health risk to the workers concerned, including those handling asbestos waste, or to the population in the vicinity of the enterprise.

(2) Appropriate measures should be taken by the competent authority and by employers to prevent pollution of the general environment by asbestos dust released from the workplace.

IV. Surveillance of the working environment and workers' health

29. In cases determined by the competent authority, the employer should make arrangements for systematic surveillance of the concentration of airborne asbestos dust in the workplace and of the duration and level of exposure of workers to asbestos and for the surveillance of the workers' health.

30. (1) The level of exposure of workers to asbestos should be measured or calculated in terms of time-weighted average concentrations for a specific reference period.

(2) The sampling and measurement of the concentration of airborne asbestos dust should be carried out by qualified personnel, using methods approved by the competent authority.

(3) The frequency and extent of sampling and measurement should be related to the level of risk, to changes in the work processes or other relevant circumstances.

(4) In evaluating the risk the competent authority should take into consideration the risk posed by all sizes of asbestos fibres.

31. (1) For the prevention of disease and functional impairment related to exposure to asbestos, all workers assigned to work involving exposure to asbestos should be provided, as appropriate, with:

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at appropriate intervals;
- (c) other tests and investigations, in particular chest radiographs and lung function tests, which may be necessary to supervise their state of health in relation to the occupational hazard and to identify early indicators of disease caused by asbestos.

(2) The intervals between medical examinations should be determined by the competent authority, taking into account the level of exposure and the workers' state of health in relation to the occupational hazard.

(3) The competent authority should ensure that provision is made, in accordance with national law and practice, for appropriate medical examinations to continue to be available to workers after termination of an assignment involving exposure to asbestos.

(4) The examinations, tests and investigations provided for in subparagraphs (1) and (3) above should be carried out as far as possible in working hours and should entail no cost to the worker.

(5) Where the results of medical tests or investigations reveal clinical or preclinical effects, measures should be taken to prevent or reduce exposure of the workers concerned and to prevent further deterioration of their health.

(6) Results of medical examinations should be used to determine health status with regard to exposure to asbestos and should not be used to discriminate against the worker.

(7) The results of medical examinations should be used to help place the worker in a job which is compatible with the status of his health.

(8) Workers subject to supervision of their health should have:

- (a) the right to confidentiality of personal and medical information;
- (b) the right to full and detailed explanations of the purposes and results of the supervision;
- (c) the right to refuse invasive medical procedures which infringe on their corporal integrity.

32. Workers should be informed in an adequate and appropriate manner, in accordance with national practice, of the results of the medical examinations and receive individual advice concerning their health in relation to their work.

33. When an occupational disease caused by asbestos has been detected by health surveillance, the competent authority should be notified in conformity with national law and practice.

34. When continued assignment to work involving exposure to asbestos is found to be medically inadvisable every effort should be made, consistent with national conditions and practice, to provide the workers concerned with other means of maintaining their income.

35. National laws or regulations should provide for the compensation of workers who contract a disease or develop a functional impairment related to occupational exposure to asbestos, in accordance with the Employment Injury Benefits Convention, 1964.

36. (1) The records of the monitoring of the working environment should be kept for a period of not less than 30 years.

(2) Records of the monitoring of exposure of workers as well as the sections of their medical files relevant to health hazards due to exposure to asbestos and chest radiographs should be kept for a period of not less than 30 years following termination of an assignment involving exposure to asbestos.

37. The workers concerned, their representatives and the inspection services should have access to the records of the monitoring of the working environment.

38. In the case of closure of an undertaking, or after termination of engagement of a worker, records and information kept in accordance with Paragraph 36 above should be deposited in accordance with the directions of the competent authority.

39. In accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the International Labour Office, a national or multinational enterprise with more than one establishment should be required to provide safety measures relating to the prevention and control of, and protection against, health hazards due to occupational exposure to asbestos, without discrimination, to the workers in all its establishments regardless of the place or country in which they are situated.

V. Information and education

40. The competent authority should take measures to promote the training and information of all persons concerned with respect to the prevention and control of, and protection against, health hazards due to occupational exposure to asbestos.

41. The competent authority, in consultation with the most representative organisations of employers and workers concerned, should draw up suitable educational guides for employers, workers and others.

42. Employers should ensure that workers liable to be exposed to asbestos receive periodic training and instructions, at no cost to them, in a language and manner which are easily understood by them, on the effects of such exposure on health, on measures to be taken to prevent and control exposure to asbestos, especially on correct work practices which prevent and control the formation and release of asbestos dust into the air and on the use of the general and personal protective equipment placed at the workers' disposal.

43. Educational measures should draw attention to the particular danger to the health of workers created by the combination of smoking and exposure to asbestos.

44. Employers' and workers' organisations should take positive action to cooperate in and contribute to programmes of training, information, prevention, control and protection in relation to occupational hazards due to exposure to asbestos.

Chemicals Convention, 1990 (No. 170)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	4 Nov 1993	Geneva, ILC 77th Session (25 June 1990)	18

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 77th Session on 6 June 1990, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Benzene Convention and Recommendation, 1971, the Occupational Cancer Convention and Recommendation, 1974, the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, the Asbestos Convention and Recommendation, 1986, and the list of occupational diseases, as amended in 1980, appended to the Employment Injury Benefits Convention, 1964, and

Noting that the protection of workers from the harmful effects of chemicals also enhances the protection of the general public and the environment, and

Noting that workers have a need for, and right to, information about the chemicals they use at work, and

Considering that it is essential to prevent or reduce the incidence of chemically induced illnesses and injuries at work by:

- (a) ensuring that all chemicals are evaluated to determine their hazards;
- (b) providing employers with a mechanism to obtain from suppliers information about the chemicals used at work so that they can implement effective programmes to protect workers from chemical hazards;
- (c) providing workers with information about the chemicals at their workplaces, and about appropriate preventive measures so that they can effectively participate in protective programmes;
- (d) establishing principles for such programmes to ensure that chemicals are used safely, and

Having regard to the need for co-operation within the International Programme on Chemical Safety between the International Labour Organisation, the United Nations Environment Programme and the World Health Organisation as well as with the Food and Agriculture Organisation of the United Nations and the United Nations Industrial Development Organisation, and noting the relevant instruments, codes and guide-lines promulgated by these organisations, and

Having decided upon the adoption of certain proposals with regard to safety in the use of chemicals at work, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-fifth day of June of the year one thousand nine hundred and ninety the following Convention, which may be cited as the Chemicals Convention, 1990:

Part I. Scope and definitions

Article 1

1. This Convention applies to all branches of economic activity in which chemicals are used.

2. The competent authority of a Member ratifying this Convention, after consulting the most representative organisations of employers and workers concerned, and on the basis of an assessment of the hazards involved and the protective measures to be applied:

- (a) may exclude particular branches of economic activity, undertakings or products from the application of the Convention, or certain provisions thereof, when:
 - (i) special problems of a substantial nature arise; and
 - (ii) the overall protection afforded in pursuance of national law and practice is not inferior to that which would result from the full application of the provisions of the Convention;
- (b) shall make special provision to protect confidential information whose disclosure to a competitor would be liable to cause harm to an employer's business so long as the safety and health of workers are not compromised thereby.

3. This Convention does not apply to articles which will not expose workers to a hazardous chemical under normal or reasonably foreseeable conditions of use.

4. This Convention does not apply to organisms, but does apply to chemicals derived from organisms.

Article 2

For the purposes of this Convention:

- (a) the term **chemicals** means chemical elements and compounds, and mixtures thereof, whether natural or synthetic;
- (b) the term **hazardous chemical** includes any chemical which has been classified as hazardous in accordance with Article 6 or for which relevant information exists to indicate that the chemical is hazardous;
- (c) the term **use of chemicals at work** means any work activity which may expose a worker to a chemical, including:
 - (i) the production of chemicals;
 - (ii) the handling of chemicals;
 - (iii) the storage of chemicals;
 - (iv) the transport of chemicals;
 - (v) the disposal and treatment of waste chemicals;

- (vi) the release of chemicals resulting from work activities;
- (vii) the maintenance, repair and cleaning of equipment and containers for chemicals;
- (d) the term *branches of economic activity* means all branches in which workers are employed, including the public service;
- (e) the term *article* means an object which is formed to a specific shape or design during its manufacture or which is in its natural shape, and whose use in that form is dependent in whole or in part on its shape or design;
- (f) the term *workers' representatives* means persons who are recognised as such by national law or practice, in accordance with the Workers' Representatives Convention, 1971.

Part II. General principles

Article 3

The most representative organisations of employers and workers concerned shall be consulted on the measures to be taken to give effect to the provisions of this Convention.

Article 4

In the light of national conditions and practice and in consultation with the most representative organisations of employers and workers, each Member shall formulate, implement and periodically review a coherent policy on safety in the use of chemicals at work.

Article 5

The competent authority shall have the power, if justified on safety and health grounds, to prohibit or restrict the use of certain hazardous chemicals, or to require advance notification and authorisation before such chemicals are used.

Part III. Classification and related measures

Classification systems

Article 6

1. Systems and specific criteria appropriate for the classification of all chemicals according to the type and degree of their intrinsic health and physical hazards and for assessing the relevance of the information required to determine whether a chemical is hazardous shall be established by the competent authority, or by a body approved or recognised by the competent authority, in accordance with national or international standards.
2. The hazardous properties of mixtures composed of two or more chemicals may be determined by assessments based on the intrinsic hazards of their component chemicals.
3. In the case of transport, such systems and criteria shall take into account the United Nations Recommendations on the transport of dangerous goods.
4. The classification systems and their application shall be progressively extended.

Labelling and marking

Article 7

1. All chemicals shall be marked so as to indicate their identity.
2. Hazardous chemicals shall in addition be labelled, in a way easily understandable to the workers, so as to provide essential information regarding their classification, the hazards they present and the safety precautions to be observed.

3. (1) Requirements for marking or labelling chemicals pursuant to paragraphs 1 and 2 of this Article shall be established by the competent authority, or by a body approved or recognised by the competent authority, in accordance with national or international standards.

(2) In the case of transport, such requirements shall take into account the United Nations Recommendations on the transport of dangerous goods.

Chemical safety data sheets

Article 8

1. For hazardous chemicals, chemical safety data sheets containing detailed essential information regarding their identity, supplier, classification, hazards, safety precautions and emergency procedures shall be provided to employers.

2. Criteria for the preparation of chemical safety data sheets shall be established by the competent authority, or by a body approved or recognised by the competent authority, in accordance with national or international standards.

3. The chemical or common name used to identify the chemical on the chemical safety data sheet shall be the same as that used on the label.

Responsibilities of suppliers

Article 9

1. Suppliers of chemicals, whether manufacturers, importers or distributors, shall ensure that:

- (a) such chemicals have been classified in accordance with Article 6 on the basis of knowledge of their properties and a search of available information or assessed in accordance with paragraph 3 below;
- (b) such chemicals are marked so as to indicate their identity in accordance with Article 7, paragraph 1;
- (c) hazardous chemicals they supply are labelled in accordance with Article 7, paragraph 2;
- (d) chemical safety data sheets are prepared for such hazardous chemicals in accordance with Article 8, paragraph 1, and provided to employers.

2. Suppliers of hazardous chemicals shall ensure that revised labels and chemical safety data sheets are prepared and provided to employers, by a method which accords with national law and practice, whenever new relevant safety and health information becomes available.

3. Suppliers of chemicals which have not yet been classified in accordance with Article 6 shall identify the chemicals they supply and assess the properties of these chemicals on the basis of a search of available information in order to determine whether they are hazardous chemicals.

Part IV. Responsibilities of employers

Identification

Article 10

1. Employers shall ensure that all chemicals used at work are labelled or marked as required by Article 7 and that chemical safety data sheets have been provided as required by Article 8 and are made available to workers and their representatives.

2. Employers receiving chemicals that have not been labelled or marked as required under Article 7, or for which chemical safety data sheets have not been provided as required under

Article 8, shall obtain the relevant information from the supplier or from other reasonably available sources, and shall not use the chemicals until such information is obtained.

3. Employers shall ensure that only chemicals which are classified in accordance with Article 6 or identified and assessed in accordance with Article 9, paragraph 3, and labelled or marked in accordance with Article 7 are used and that any necessary precautions are taken when they are used.

4. Employers shall maintain a record of hazardous chemicals used at the workplace, cross-referenced to the appropriate chemical safety data sheets. This record shall be accessible to all workers concerned and their representatives.

Transfer of chemicals

Article 11

Employers shall ensure that when chemicals are transferred into other containers or equipment, the contents are indicated in a manner which will make known to workers their identity, any hazards associated with their use and any safety precautions to be observed.

Exposure

Article 12

Employers shall:

- (a) ensure that workers are not exposed to chemicals to an extent which exceeds exposure limits or other exposure criteria for the evaluation and control of the working environment established by the competent authority, or by a body approved or recognised by the competent authority, in accordance with national or international standards;
- (b) assess the exposure of workers to hazardous chemicals;
- (c) monitor and record the exposure of workers to hazardous chemicals when this is necessary to safeguard their safety and health or as may be prescribed by the competent authority;
- (d) ensure that the records of the monitoring of the working environment and of the exposure of workers using hazardous chemicals are kept for a period prescribed by the competent authority and are accessible to the workers and their representatives.

Operational control

Article 13

1. Employers shall make an assessment of the risks arising from the use of chemicals at work, and shall protect workers against such risks by appropriate means, such as:

- (a) the choice of chemicals that eliminate or minimise the risk;
- (b) the choice of technology that eliminates or minimises the risk;
- (c) the use of adequate engineering control measures;
- (d) the adoption of working systems and practices that eliminate or minimise the risk;
- (e) the adoption of adequate occupational hygiene measures;
- (f) where recourse to the above measures does not suffice, the provision and proper maintenance of personal protective equipment and clothing at no cost to the worker, and the implementation of measures to ensure their use.

2. Employers shall:

- (a) limit exposure to hazardous chemicals so as to protect the safety and health of workers;
- (b) provide first aid;
- (c) make arrangements to deal with emergencies.

*Disposal**Article 14*

Hazardous chemicals which are no longer required and containers which have been emptied but which may contain residues of hazardous chemicals, shall be handled or disposed of in a manner which eliminates or minimises the risk to safety and health and to the environment, in accordance with national law and practice.

*Information and training**Article 15*

Employers shall:

- (a) inform the workers of the hazards associated with exposure to chemicals used at the workplace;
- (b) instruct the workers how to obtain and use the information provided on labels and chemical safety data sheets;
- (c) use the chemical safety data sheets, along with information specific to the workplace, as a basis for the preparation of instructions to workers, which should be written if appropriate;
- (d) train the workers on a continuing basis in the practices and procedures to be followed for safety in the use of chemicals at work.

*Co-operation**Article 16*

Employers, in discharging their responsibilities, shall co-operate as closely as possible with workers or their representatives with respect to safety in the use of chemicals at work.

Part V. Duties of workers*Article 17*

1. Workers shall co-operate as closely as possible with their employers in the discharge by the employers of their responsibilities and comply with all procedures and practices relating to safety in the use of chemicals at work.

2. Workers shall take all reasonable steps to eliminate or minimise risk to themselves and to others from the use of chemicals at work.

Part VI. Rights of workers and their representatives*Article 18*

1. Workers shall have the right to remove themselves from danger resulting from the use of chemicals when they have reasonable justification to believe there is an imminent and serious risk to their safety or health, and shall inform their supervisor immediately.

2. Workers who remove themselves from danger in accordance with the provisions of the previous paragraph or who exercise any other rights under this Convention shall be protected against undue consequences.

3. Workers concerned and their representatives shall have the right to:

- (a) information on the identity of chemicals used at work, the hazardous properties of such chemicals, precautionary measures, education and training;
- (b) the information contained in labels and markings;

- (c) chemical safety data sheets;
- (d) any other information required to be kept by this Convention.

4. Where disclosure of the specific identity of an ingredient of a chemical mixture to a competitor would be liable to cause harm to the employer's business, the employer may, in providing the information required under paragraph 3 above, protect that identity in a manner approved by the competent authority under Article 1, paragraph 2 (b).

Part VII. Responsibility of exporting states

Article 19

When in an exporting member State all or some uses of hazardous chemicals are prohibited for reasons of safety and health at work, this fact and the reasons for it shall be communicated by the exporting member State to any importing country.

Chemicals Recommendation, 1990 (No. 177)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 77th Session (25 June 1990)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met In Its 77th Session on 6 June 1990, and

Having decided upon the adoption of certain proposals with regard to safety in the use of chemicals at work, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Chemicals Convention, 1990;

adopts this twenty-fifth day of June of the year one thousand nine hundred and ninety the following Recommendation, which may be cited as the Chemicals Recommendation, 1990.

I. General provisions

1. The provisions of this Recommendation should be applied in conjunction with those of the Chemicals Convention, 1990 (hereafter referred to as "the Convention").

2. The most representative organisations of employers and workers concerned should be consulted on the measures to be taken to give effect to the provisions of this Recommendation.

3. The competent authority should specify categories of workers who for reasons of safety and health are not allowed to use specified chemicals or are allowed to use them only under conditions prescribed in accordance with national laws or regulations.

4. The provisions of this Recommendation should also apply to such self-employed persons as may be specified by national laws or regulations.

5. The special provisions established by the competent authority to protect confidential information, under Article 1, paragraph 2(b), and Article 18, paragraph 4, of the Convention, should:

- (a) limit the disclosure of confidential information to those who have a need related to workers' safety and health;
- (b) ensure that those who obtain confidential information agree to use it only to address safety and health needs and otherwise to protect its confidentiality;
- (c) provide that relevant confidential information be disclosed immediately in an emergency;
- (d) provide for procedures to consider promptly the validity of the confidentiality claim and of the need for the information withheld where there is a disagreement regarding disclosure.

II. Classification and related measures

Classification

6. The criteria for the classification of chemicals established pursuant to Article 6, paragraph 1, of the Convention should be based upon the characteristics of chemicals including:

- (a) toxic properties, including both acute and chronic health effects in all parts of the body;
- (b) chemical or physical characteristics, including flammable, explosive, oxidising and dangerously reactive properties;
- (c) corrosive and irritant properties;
- (d) allergenic and sensitising effects;
- (e) carcinogenic effects;
- (f) teratogenic and mutagenic effects;
- (g) effects on the reproductive system.

7. (1) As far as is reasonably practicable, the competent authority should compile and periodically update a consolidated list of the chemical elements and compounds used at work, together with relevant hazard information.

(2) For chemical elements and compounds not yet included in the consolidated list, the manufacturers or importers should, unless exempted, be required to transmit to the competent authority, prior to use at work, and in a manner consistent with the protection of confidential information under Article 1, paragraph 2 (b), of the Convention, such information as is necessary for the maintenance of the list.

Labelling and marking

8. (1) The requirements for the labelling and marking of chemicals established pursuant to Article 7 of the Convention, should be such as to enable persons handling or using chemicals to recognise and distinguish between them both when receiving and when using them, so that they may be used safely.

(2) The labelling requirements for hazardous chemicals should, in conformity with existing national or international systems, cover:

- (a) the information to be given on the label including as appropriate:
 - (i) trade names;
 - (ii) identity of the chemical;
 - (iii) name, address and telephone number of the supplier;
 - (iv) hazard symbols;
 - (v) nature of the special risks associated with the use of the chemical;
 - (vi) safety precautions;
 - (vii) identification of the batch;
 - (viii) the statement that a chemical safety data sheet giving additional information is available from the employer;
 - (ix) the classification assigned under the system established by the competent authority;
- (b) the legibility, durability and size of the label;
- (c) the uniformity of labels and symbols, including colours.

(3) The label should be easily understandable by workers.

(4) In the case of chemicals not covered by subparagraph (2) above, the marking may be limited to the identity of the chemical.

9. Where it is impracticable to label or mark a chemical in view of the size of the container or the nature of the package, provision should be made for other effective means of recognition such as tagging or accompanying documents. However, all containers of hazardous chemicals should indicate the hazards of the contents through appropriate wording or symbols.

Chemical safety data sheets

10. (1) The criteria for the preparation of chemical safety data sheets for hazardous chemicals should ensure that they contain essential information including, as applicable:

- (a) chemical product and company identification (including trade or common name of the chemical and details of the supplier or manufacturer);
- (b) composition/information on ingredients (in a way that clearly identifies them for the purpose of conducting a hazard evaluation);
- (c) hazards identification;
- (d) first-aid measures;
- (e) fire-fighting measures;
- (f) accidental release measures;
- (g) handling and storage;
- (h) exposure controls/personal protection (including possible methods of monitoring workplace exposure);
- (i) physical and chemical properties;
- (j) stability and reactivity;
- (k) toxicological information (including the potential routes of entry into the body and the possibility of synergism with other chemicals or hazards encountered at work);
- (l) ecological information;
- (m) disposal considerations;
- (n) transport information;
- (o) regulatory information;
- (p) other information (including the date of preparation of the chemical safety data sheet).

(2) Where the names or concentrations of the ingredients referred to in subparagraph (1) (b) above constitute confidential information, they may, in accordance with Article 1, paragraph 2 (b), of the Convention, be omitted from the chemical safety data sheet. In accordance with Paragraph 5 of this Recommendation the information should be disclosed on request and in writing to the competent authority and to concerned employers, workers and their representatives who agree to use the information only for the protection of workers' safety and health and not otherwise to disclose it.

III. Responsibilities of employers

Monitoring of exposure

11. (1) Where workers are exposed to hazardous chemicals, the employer should be required to:
- (a) limit exposure to such chemicals so as to protect the health of workers;
 - (b) assess, monitor and record, as necessary, the concentration of airborne chemicals at the workplace,
- (2) Workers and their representatives and the competent authority should have access to these records.
- (3) Employers should keep the records provided for in this Paragraph for a period of time determined by the competent authority.

Operational control within the workplace

12. (1) Measures should be taken by employers to protect workers against hazards arising from the use of chemicals at work, based upon the criteria established pursuant to Paragraphs 13 to 16 below.

(2) In accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the International Labour Office, a national or multinational enterprise with more than one establishment should provide safety measures relating to the prevention and control of, and protection against, health hazards due to occupational exposure to hazardous chemicals, without discrimination, to the workers in all its establishments regardless of the place or country in which they are situated.

13. The competent authority should ensure that criteria are established for safety in the use of hazardous chemicals, including provisions covering, as applicable:

- (a) the risk of acute or chronic diseases due to entry into the body by inhalation, skin absorption or ingestion;
- (b) the risk of injury or disease from skin or eye contact;

- (c) the risk of injury from fire, explosion or other events resulting from physical properties or chemical reactivity;
- (d) the precautionary measures to be taken through:
 - (i) the choice of chemicals that eliminate or minimise such risks;
 - (ii) the choice of processes, technology and installations that eliminate or minimise such risks;
 - (iii) the use and proper maintenance of engineering control measures;
 - (iv) the adoption of working systems and practices that eliminate or minimise such risks;
 - (v) the adoption of adequate personal hygiene measures and provision of adequate sanitary facilities;
 - (vi) the provision, maintenance and use of suitable personal protective equipment and clothing, at no cost to the worker where the above measures have not proved sufficient to eliminate such risks;
 - (vii) the use of signs and notices;
 - (viii) adequate preparations for emergencies.

14. The competent authority should ensure that criteria are established for safety in the storage of hazardous chemicals, including provisions covering, as applicable:

- (a) the compatibility and segregation of stored chemicals;
- (b) the properties and quantity of chemicals to be stored;
- (c) the security and siting of and access to stores;
- (d) the construction, nature and integrity of storage containers;
- (e) loading and unloading of storage containers;
- (f) labelling and relabelling requirements;
- (g) precautions against accidental release, fire, explosion and chemical reactivity;
- (h) temperature, humidity and ventilation;
- (i) precautions and procedures in case of spillage;
- (j) emergency procedures;
- (k) possible physical and chemical changes in stored chemicals.

15. The competent authority should ensure that criteria consistent with national or international transport regulations are established for the safety of workers involved in the transport of hazardous chemicals, including provisions covering, as applicable:

- (a) the properties and quantity of chemicals to be transported;
- (b) the nature, integrity and protection of packagings and containers used in transport, including pipelines;
- (c) the specifications of the vehicle used in transport;
- (d) the routes to be taken;
- (e) the training and qualifications of transport workers;
- (f) labelling requirements;
- (g) loading and unloading;
- (h) procedures in case of spillage.

16. (1) The competent authority should ensure that criteria consistent with national or international regulations regarding disposal of hazardous waste are established for procedures to be followed in the disposal and treatment of hazardous chemicals and hazardous waste products with a view to ensuring the safety of workers.

(2) These criteria should include provisions covering, as applicable:

- (a) the method of identification of waste products;
- (b) the handling of contaminated containers;
- (c) the identification, construction, nature, integrity and protection of waste containers;
- (d) the effects on the working environment;
- (e) the demarcation of disposal areas;
- (f) the provision, maintenance and use of personal protective equipment and clothing;
- (g) the method of disposal or treatment.

17. The criteria for the use of chemicals at work established pursuant to the provisions of the Convention and this Recommendation should be as consistent as possible with the protection of the general public and the environment and any criteria established for that purpose.

Medical surveillance

18. (1) The employer, or the institution competent under national law and practice, should be required to arrange, through a method which accords with national law and practice, such medical surveillance of workers as is necessary:

- (a) for the assessment of the health of workers in relation to hazards caused by exposure to chemicals;
- (b) for the diagnosis of work-related diseases and injuries caused by exposure to hazardous chemicals.

(2) Where the results of medical tests or investigations reveal clinical or preclinical effects, measures should be taken to prevent or reduce exposure of the workers concerned, and to prevent further deterioration of their health.

(3) The results of medical examinations should be used to determine health status with respect to exposure to chemicals, and should not be used to discriminate against the worker.

(4) Records resulting from medical surveillance of workers should be kept for a period of time and by persons prescribed by the competent authority.

(5) Workers should have access to their own medical records, either personally or through their own physicians.

(6) The confidentiality of individual medical records should be respected in accordance with generally accepted principles of medical ethics.

(7) The results of medical examinations should be clearly explained to the workers concerned.

(8) Workers and their representatives should have access to the results of studies prepared from medical records, where individual workers cannot be identified.

(9) The results of medical records should be made available to prepare appropriate health statistics and epidemiological studies, provided anonymity is maintained, where this may aid in the recognition and control of occupational diseases.

First aid and emergencies

19. In accordance with any requirements laid down by the competent authority, employers should be required to maintain procedures, including first-aid arrangements, to deal with emergencies and accidents resulting from the use of hazardous chemicals at work and to ensure that workers are trained in these procedures.

IV. Co-operation

20. Employers, workers and their representatives should co-operate as closely as possible in the application of measures prescribed pursuant to this Recommendation.

21. Workers should be required to:

- (a) take care as far as possible of their own safety and health and of that of other persons who may be affected by their acts or omissions at work in accordance with their training and with instructions given by their employer;
- (b) use properly all devices provided for their protection or the protection of others;
- (c) report forthwith to their supervisor any situation which they believe could present a risk, and which they cannot properly deal with themselves.

22. Publicity material concerning hazardous chemicals intended for use at work should call attention to their hazards and the necessity to take precautions.

23. Suppliers should, on Request, provide employers with such information as is available and required for the evaluation of any unusual hazards which might result from a particular use of a chemical at work.

V. Right of workers

24. (1) Workers and their representatives should have the right to:

- (a) obtain chemical safety data sheets and other information from the employer so as to enable them to take adequate precautions, in co-operation with their employer, to protect workers against risks from the use of hazardous chemicals at work;
- (b) request and participate in an investigation by the employer or the competent authority of possible risks resulting from the use of chemicals at work.

(2) Where the information requested is confidential in accordance with Article 1, paragraph 2 (b), and Article 18, paragraph 4, of the Convention, employers may require the workers or workers' representatives to limit its use to the evaluation and control of possible risks arising from the use of chemicals at work, and to take reasonable steps to ensure that this information is not disclosed to potential competitors.

(3) Having regard to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, multinational enterprises should make available, upon request, to workers concerned workers' representatives, the competent authority and employers' and workers' organisations in all countries in which they operate, information on the standards and procedures related to the use of hazardous chemicals relevant to their local operations, which they observe in other countries.

25. (1) Workers should have the right:

- (a) to bring to the attention of their representatives, the employer or the competent authority, potential hazards arising from the use of chemicals at work;
- (b) to remove themselves from danger resulting from the use of chemicals when they have reasonable justification to believe there is an imminent and serious risk to their safety or health, and should inform their supervisor immediately;
- (c) in the case of a health condition, such as chemical sensitisation, placing them at increased risk of harm from a hazardous chemical, to alternative work not involving that chemical, if such work is available and if the workers concerned have the qualifications or can reasonably be trained for such alternative work;
- (d) to compensation if the case referred to in subparagraph (1) (c) results in loss of employment;
- (e) to adequate medical treatment and compensation for injuries and diseases resulting from the use of chemicals at work.

(2) Workers who remove themselves from danger in accordance with the provisions of subparagraph (1) (b) or who exercise any of their rights under this Recommendation should be protected against undue consequences.

(3) Where workers have removed themselves from danger in accordance with subparagraph (1) (b), the employer, in co-operation with workers and their representatives, should immediately investigate the risk and take any corrective steps necessary.

(4) Women workers should have the right, in the case of pregnancy or lactation, to alternative work not involving the use of, or exposure to, chemicals hazardous to the health of the unborn or nursing child, where such work is available, and the right to return to their previous jobs at the appropriate time.

26. Workers should receive:

- (a) information on the classification and labelling of chemicals and on chemical safety data sheets in forms and languages which they easily understand;
- (b) information on the risks which may arise from the use of hazardous chemicals in the course of their work;
- (c) instruction, written or oral, based on the chemical safety data sheet and specific to the workplace if appropriate;
- (d) training and, where necessary, retraining in the methods which are available for the prevention and control of, and for protection against, such risks, including correct methods of storage, transport and waste disposal as well as emergency and first-aid measures.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	3 Jan 1997	Geneva, ILC 80th Session (22 June 1993)	18

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 80th Session on 2 June 1993, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Occupational Safety and Health Convention and Recommendation, 1981, and the Chemicals Convention and Recommendation, 1990, and stressing the need for a global and coherent approach, and

Noting also the ILO Code of practice on the Prevention of major industrial accidents, published in 1991, and

Having regard to the need to ensure that all appropriate measures are taken to:

- (a) prevent major accidents;
- (b) minimize the risks of major accidents;
- (c) minimize the effects of major accidents, and

Considering the causes of such accidents including organizational errors, the human factor, component failures, deviation from normal operational conditions, outside interference and natural forces, and

Having regard to the need for cooperation, within the International Programme on Chemical Safety, between the International Labour Organization, the United Nations Environment Programme and the World Health Organization, as well as with other relevant intergovernmental organizations, and

Having decided upon the adoption of certain proposals with regard to the prevention of major industrial accidents, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-second day of June of the year one thousand nine hundred and ninety-three the following Convention, which may be cited as the Prevention of Major Industrial Accidents Convention, 1993.

Part I. Scope and definitions

Article 1

1. The purpose of this Convention is the prevention of major accidents involving hazardous substances and the limitation of the consequences of such accidents.
2. This Convention applies to major hazard installations.
3. This Convention does not apply to:
 - (a) nuclear installations and plants processing radioactive substances except for facilities handling non-radioactive substances at these installations;
 - (b) military installations;
 - (c) transport outside the site of an installation other than by pipeline.

4. A Member ratifying this Convention may, after consulting the representative organizations of employers and workers concerned and other interested parties who may be affected, exclude from the application of the Convention installations or branches of economic activity for which equivalent protection is provided.

Article 2

Where special problems of a substantial nature arise so that it is not immediately possible to implement all the preventive and protective measures provided for in this Convention, a Member shall draw up plans, in consultation with the most representative organizations of employers and workers and with other interested parties who may be affected, for the progressive implementation of the said measures within a fixed time-frame.

Article 3

For the purposes of this Convention:

- (a) the term **hazardous substance** means a substance or mixture of substances which by virtue of chemical, physical or toxicological properties, either singly or in combination, constitutes a hazard;
- (b) the term **threshold quantity** means for a given hazardous substance or category of substances that quantity, prescribed in national laws and regulations by reference to specific conditions, which if exceeded identifies a major hazard installation;
- (c) the term **major hazard installation** means one which produces, processes, handles, uses, disposes of or stores, either permanently or temporarily, one or more hazardous substances or categories of substances in quantities which exceed the threshold quantity;
- (d) the term **major accident** means a sudden occurrence – such as a major emission, fire or explosion – in the course of an activity within a major hazard installation, involving one or more hazardous substances and leading to a serious danger to workers, the public or the environment, whether immediate or delayed;
- (e) the term **safety report** means a written presentation of the technical, management and operational information covering the hazards and risks of a major hazard installation and their control and providing justification for the measures taken for the safety of the installation;
- (f) the term **near miss** means any sudden event involving one or more hazardous substances which, but for mitigating effects, actions or systems, could have escalated to a major accident.

Part II. General principles

Article 4

1. In the light of national laws and regulations, conditions and practices, and in consultation with the most representative organizations of employers and workers and with other interested parties who may be affected, each Member shall formulate, implement and periodically review a coherent national policy concerning the protection of workers, the public and the environment against the risk of major accidents.

2. This policy shall be implemented through preventive and protective measures for major hazard installations and, where practicable, shall promote the use of the best available safety technologies.

Article 5

1. The competent authority, or a body approved or recognized by the competent authority, shall, after consulting the most representative organizations of employers and workers and other interested parties who may be affected, establish a system for the identification of major hazard installations as defined in Article 3 (c), based on a list of hazardous substances or of

categories of hazardous substances or of both, together with their respective threshold quantities, in accordance with national laws and regulations or international standards.

2. The system mentioned in paragraph 1 above shall be regularly reviewed and updated.

Article 6

The competent authority, after consulting the representative organizations of employers and workers concerned, shall make special provision to protect confidential information transmitted or made available to it in accordance with Articles 8, 12, 13 or 14, whose disclosure would be liable to cause harm to an employer's business, so long as this provision does not lead to serious risk to the workers, the public or the environment.

Part III. Responsibilities of employers

Identification

Article 7

Employers shall identify any major hazard installation within their control on the basis of the system referred to in Article 5.

Notification

Article 8

1. Employers shall notify the competent authority of any major hazard installation which they have identified:

- (a) within a fixed time-frame for an existing installation;
- (b) before it is put into operation in the case of a new installation.

2. Employers shall also notify the competent authority before any permanent closure of a major hazard installation.

Arrangements at the level of the installation

Article 9

In respect of each major hazard installation employers shall establish and maintain a documented system of major hazard control which includes provision for:

- (a) the identification and analysis of hazards and the assessment of risks including consideration of possible interactions between substances;
- (b) technical measures, including design, safety systems, construction, choice of chemicals, operation, maintenance and systematic inspection of the installation;
- (c) organizational measures, including training and instruction of personnel, the provision of equipment in order to ensure their safety, staffing levels, hours of work, definition of responsibilities, and controls on outside contractors and temporary workers on the site of the installation;
- (d) emergency plans and procedures, including:
 - (i) the preparation of effective site emergency plans and procedures, including emergency medical procedures, to be applied in case of major accidents or threat thereof, with periodic testing and evaluation of their effectiveness and revision as necessary;
 - (ii) the provision of information on potential accidents and site emergency plans to authorities and bodies responsible for the preparation of emergency plans and procedures for the protection of the public and the environment outside the site of the installation;
 - (iii) any necessary consultation with such authorities and bodies;

- (e) measures to limit the consequences of a major accident;
- (f) consultation with workers and their representatives;
- (g) improvement of the system, including measures for gathering information and analysing accidents and near misses. The lessons so learnt shall be discussed with the workers and their representatives and shall be recorded in accordance with national law and practice.

Safety report

Article 10

1. Employers shall prepare a safety report based on the requirements of Article 9.
2. The report shall be prepared:
 - (a) in the case of existing major hazard installations, within a period after notification prescribed by national laws or regulations;
 - (b) in the case of any new major hazard installation, before it is put into operation.

Article 11

Employers shall review, update and amend the safety report:

- (a) in the event of a modification which has a significant influence on the level of safety in the installation or its processes or in the quantities of hazardous substances present;
- (b) when developments in technical knowledge or in the assessment of hazards make this appropriate;
- (c) at intervals prescribed by national laws or regulations;
- (d) at the request of the competent authority.

Article 12

Employers shall transmit or make available to the competent authority the safety reports referred to in Articles 10 and 11.

Accident reporting

Article 13

Employers shall inform the competent authority and other bodies designated for this purpose as soon as a major accident occurs.

Article 14

1. Employers shall, within a fixed time-frame after a major accident, present a detailed report to the competent authority containing an analysis of the causes of the accident and describing its immediate on-site consequences, and any action taken to mitigate its effects.
2. The report shall include recommendations detailing actions to be taken to prevent a recurrence.

Part IV. Responsibilities of competent authorities

Off-site emergency preparedness

Article 15

Taking into account the information provided by the employer, the competent authority shall ensure that emergency plans and procedures containing provisions for the protection of the public and the environment outside the site of each major hazard installation are established, updated at appropriate intervals and coordinated with the relevant authorities and bodies.

Article 16

The competent authority shall ensure that:

- (a) information on safety measures and the correct behaviour to adopt in the case of a major accident is disseminated to members of the public liable to be affected by a major accident without their having to request it and that such information is updated and redisseminated at appropriate intervals;
- (b) warning is given as soon as possible in the case of a major accident;
- (c) where a major accident could have transboundary effects, the information required in (a) and (b) above is provided to the States concerned, to assist in cooperation and coordination arrangements.

*Siting of major hazard installations**Article 17*

The competent authority shall establish a comprehensive siting policy arranging for the appropriate separation of proposed major hazard installations from working and residential areas and public facilities, and appropriate measures for existing installations. Such a policy shall reflect the General Principles set out in Part II of the Convention.

*Inspection**Article 18*

1. The competent authority shall have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess, and advise on the matters dealt with in this Convention and to ensure compliance with national laws and regulations.

2. Representatives of the employer and representatives of the workers of a major hazard installation shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

Article 19

The competent authority shall have the right to suspend any operation which poses an imminent threat of a major accident.

Part V. Rights and duties of workers and their representatives*Article 20*

The workers and their representatives at a major hazard installation shall be consulted through appropriate cooperative mechanisms in order to ensure a safe system of work. In particular, the workers and their representatives shall:

- (a) be adequately and suitably informed of the hazards associated with the major hazard installation and their likely consequences;
- (b) be informed of any orders, instructions or recommendations made by the competent authority;
- (c) be consulted in the preparation of, and have access to, the following documents:
 - (i) the safety report;
 - (ii) emergency plans and procedures;
 - (iii) accident reports;

- (d) be regularly instructed and trained in the practices and procedures for the prevention of major accidents and the control of developments likely to lead to a major accident and in the emergency procedures to be followed in the event of a major accident;
- (e) within the scope of their job, and without being placed at any disadvantage, take corrective action and if necessary interrupt the activity where, on the basis of their training and experience, they have reasonable justification to believe that there is an imminent danger of a major accident, and notify their supervisor or raise the alarm, as appropriate, before or as soon as possible after taking such action;
- (f) discuss with the employer any potential hazards they consider capable of generating a major accident and have the right to notify the competent authority of those hazards.

Article 21

Workers employed at the site of a major hazard installation shall:

- (a) comply with all practices and procedures relating to the prevention of major accidents and the control of developments likely to lead to a major accident within the major hazard installation;
- (b) comply with all emergency procedures should a major accident occur.

Part VI. Responsibility of exporting states

Article 22

When, in an exporting member State, the use of hazardous substances, technologies or processes is prohibited as a potential source of a major accident, the information on this prohibition and the reasons for it shall be made available by the exporting member State to any importing country.

Prevention of Major Industrial Accidents Recommendation,
1993 (No. 181)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 80th Session (22 June 1993)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 80th Session on 2 June 1993, and

Having decided upon the adoption of certain proposals with regard to the prevention of major industrial accidents, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Prevention of Major Industrial Accidents Convention, 1993;

adopts this twenty-second day of June of the year one thousand nine hundred and ninety-three the following Recommendation, which may be cited as the Prevention of Major Industrial Accidents Recommendation, 1993.

1. The provisions of this Recommendation should be applied in conjunction with those of the Prevention of Major Industrial Accidents Convention, 1993 (hereafter referred to as “the Convention”).

2. (1) The International Labour Organization, in cooperation with other relevant international intergovernmental and non-governmental organizations, should arrange for an international exchange of information on:

- (a) good safety practices in major hazard installations including safety management and process safety;
- (b) major accidents;
- (c) lessons drawn from near misses;
- (d) technologies and processes that are prohibited for reasons of safety and health;
- (e) medical organization and techniques for dealing with the aftermath of a major accident;
- (f) the mechanisms and procedures used by competent authorities to give effect to the implementation of the Convention and this Recommendation.

(2) Members should, as far as possible, communicate information on the matters listed in subparagraph (1) above to the International Labour Office.

3. The national policy provided for in the Convention and the national laws and regulations or other measures to implement it should, as appropriate, be guided by the ILO Code of practice on the Prevention of major industrial accidents, published in 1991.

4. Members should develop policies aimed at addressing the major accident risks, hazards and their consequences within the sectors and activities excluded from the scope of the Convention by virtue of Article 1, paragraph 3, thereof.

5. Recognizing that a major accident could have serious consequences in terms of its impact on human life and the environment, Members should encourage the establishment of systems to compensate workers as quickly as possible after the event and adequately address the effects on the public and the environment.

6. In accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the International Labour Office, a national or multinational enterprise with more than one establishment should provide safety measures relating to the prevention of major accidents and the control of developments likely to lead to a major accident, without discrimination, to the workers in all its establishments, regardless of the place or country in which they are situated.

White Lead (Painting) Convention, 1921 (No. 13)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	31 Aug 1923	Geneva, ILC 3rd Session (19 Nov 1921)	63

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the use of white lead in painting, which is the sixth item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the White Lead (Painting) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation ratifying the present Convention undertakes to prohibit, with the exceptions provided for in Article 2, the use of white lead and sulphate of lead and of all products containing these pigments, in the internal painting of buildings, except where the use of white lead or sulphate of lead or products containing these pigments is considered necessary for railway stations or industrial establishments by the competent authority after consultation with the employers' and workers' organisations concerned.

2. It shall nevertheless be permissible to use white pigments containing a maximum of 2 per cent of lead expressed in terms of metallic lead.

Article 2

1. The provisions of Article 1 shall not apply to artistic painting or fine lining.

2. The Governments shall define the limits of such forms of painting, and shall regulate the use of white lead, sulphate of lead, and all products containing these pigments, for these purposes in conformity with the provisions of Articles 5, 6 and 7 of the present Convention.

Article 3

1. The employment of males under eighteen years of age and of all females shall be prohibited in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments.

2. The competent authorities shall have power, after consulting the employers' and workers' organisations concerned, to permit the employment of painters' apprentices in the work prohibited by the preceding paragraph, with a view to their education in their trade.

Article 4

The prohibitions prescribed in Articles 1 and 3 shall come into force six years from the date of the closure of the Third Session of the International Labour Conference.

Article 5

Each Member of the International Labour Organisation ratifying the present Convention undertakes to regulate the use of white lead, sulphate of lead and of all products containing these pigments, in operations for which their use is not prohibited, on the following principles:

I.

- (a) White lead, sulphate of lead, or products containing these pigments shall not be used in painting operations except in the form of paste or of paint ready for use;
- (b) measures shall be taken in order to prevent danger arising from the application of paint in the form of spray;
- (c) measures shall be taken, wherever practicable, to prevent danger arising from dust caused by dry rubbing down and scraping.

II.

- (a) Adequate facilities shall be provided to enable working painters to wash during and on cessation of work;
- (b) overalls shall be worn by working painters during the whole of the working period;
- (c) suitable arrangements shall be made to prevent clothing put off during working hours being soiled by painting material.

III.

- (a) Cases of lead poisoning and of suspected lead poisoning shall be notified, and shall be subsequently verified by a medical man appointed by the competent authority;
- (b) the competent authority may require, when necessary, a medical examination of workers.

IV. Instructions with regard to the special hygienic precautions to be taken in the painting trade shall be distributed to working painters.

Article 6

The competent authority shall take such steps as it considers necessary to ensure the observance of the regulations prescribed by virtue of the foregoing Articles, after consultation with the employers' and workers' organisations concerned.

Article 7

Statistics with regard to lead poisoning among working painters shall be obtained:

- (a) as to morbidity – by notification and certification of all cases of lead poisoning;
- (b) as to mortality – by a method approved by the official statistical authority in each country.

Guarding of Machinery Convention, 1963 (No. 119)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	21 Apr 1965	Geneva, ILC 47th Session (25 June 1963)	52

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-seventh Session on 5 June 1963, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the sale, hire and use of inadequately guarded machinery, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-three the following Convention, which may be cited as the Guarding of Machinery Convention, 1963:

Part I. General provisions

Article 1

1. All power-driven machinery, new or second-hand, shall be considered as machinery for the purpose of the application of this Convention.

2. The competent authority in each country shall determine whether and how far machinery, new or second-hand, operated by manual power presents a risk of injury to the worker and shall be considered as machinery for the purpose of the application of this Convention. Such decisions shall be taken after consultation with the most representative organisations of employers and workers concerned. The initiative for such consultation can be taken by any such organisation.

3. The provisions of this Convention:

- (a) apply to road and rail vehicles during locomotion only in relation to the safety of the operator or operators;
- (b) apply to mobile agricultural machinery only in relation to the safety of workers employed in connection with such machinery.

Part II. Sale, hire, transfer in any other manner and exhibition

Article 2

1. The sale and hire of machinery of which the dangerous parts specified in paragraphs 3 and 4 of this Article are without appropriate guards shall be prohibited by national laws or regulations or prevented by other equally effective measures.

2. The transfer in any other manner and exhibition of machinery of which the dangerous parts specified in paragraphs 3 and 4 of this Article are without appropriate guards shall, to such extent as the competent authority may determine, be prohibited by national laws or regulations or prevented by other equally effective measures: Provided that during the exhibition of machinery the temporary removal of the guards in order to demonstrate the machinery shall not be deemed to be an infringement of this provision as long as appropriate precautions to prevent danger to persons are taken.

3. All set-screws, bolts and keys, and, to the extent prescribed by the competent authority, other projecting parts of any moving part of machinery also liable to present danger to any person coming into contact with them when they are in motion, shall be so designed, sunk or protected as to prevent such danger.

4. All flywheels, gearing, cone and cylinder friction drives, cams, pulleys, belts, chains, pinions, worm gears, crank arms and slide blocks, and, to the extent prescribed by the competent authority, shafting (including the journal ends) and other transmission machinery also liable to present danger to any person coming into contact with them when they are in motion, shall be so designed or protected as to prevent such danger. Controls also shall be so designed or protected as to prevent danger.

Article 3

1. The provisions of Article 2 do not apply to machinery or dangerous parts thereof specified in that Article which:

- (a) are, by virtue of their construction, as safe as if they were guarded by appropriate safety devices; or
- (b) are intended to be so installed or placed that, by virtue of their installation or position, they are as safe as if they were guarded by appropriate safety devices.

2. The prohibition of the sale, hire, transfer in any other manner or exhibition of machinery provided for in paragraphs 1 and 2 of Article 2 does not apply to machinery by reason only of the machinery being so designed that the requirements of paragraphs 3 and 4 of that Article are not fully complied with during maintenance, lubrication, setting-up and adjustment, if such operations can be carried out in conformity with accepted standards of safety.

3. The provisions of Article 2 do not prohibit the sale or transfer in any other manner of machinery for storage, scrapping or reconditioning, but such machinery shall not be sold, hired, transferred in any other manner or exhibited after storage or reconditioning unless protected in conformity with the said provisions.

Article 4

The obligation to ensure compliance with the provisions of Article 2 shall rest on the vendor, the person letting out on hire or transferring the machinery in any other manner, or the exhibitor and, where appropriate under national laws or regulations, on their respective agents. This obligation shall rest on the manufacturer when he sells machinery, lets it out on hire, transfers it in any other manner or exhibits it.

Article 5

- 1. Any Member may provide for a temporary exemption from the provisions of Article 2.

2. The duration of such temporary exemption, which shall in no case exceed three years from the coming into force of the Convention for the Member concerned, and any other conditions relating thereto, shall be prescribed by national laws or regulations or determined by other equally effective measures.

3. In the application of this Article the competent authority shall consult the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

Part III. Use

Article 6

1. The use of machinery any dangerous part of which, including the point of operation, is without appropriate guards shall be prohibited by national laws or regulations or prevented by other equally effective measures: Provided that where this prohibition cannot fully apply without preventing the use of the machinery it shall apply to the extent that the use of the machinery permits.

2. Machinery shall be so guarded as to ensure that national regulations and standards of occupational safety and hygiene are not infringed.

Article 7

The obligation to ensure compliance with the provisions of Article 6 shall rest on the employer.

Article 8

1. The provisions of Article 6 do not apply to machinery or parts thereof which, by virtue of their construction, installation or position, are as safe as if they were guarded by appropriate safety devices.

2. The provisions of Article 6 and Article 11 do not prevent the maintenance, lubrication, setting-up or adjustment of machinery or parts thereof carried out in conformity with accepted standards of safety.

Article 9

1. Any Member may provide for a temporary exemption from the provisions of Article 6

2. The duration of such temporary exemption, which shall in no case exceed three years from the coming into force of the Convention for the Member concerned, and any other conditions relating thereto, shall be prescribed by national laws or regulations or determined by other equally effective measures.

3. In the application of this Article the competent authority shall consult the most representative organisations of employers and workers concerned.

Article 10

1. The employer shall take steps to bring national laws or regulations relating to the guarding of machinery to the notice of workers and shall instruct them, as and where appropriate, regarding the dangers arising and the precautions to be observed in the use of machinery.

2. The employer shall establish and maintain such environmental conditions as not to endanger workers employed on machinery covered by this Convention.

Article 11

1. No worker shall use any machinery without the guards provided being in position, nor shall any worker be required to use any machinery without the guards provided being in position.

2. No worker using machinery shall make inoperative the guards provided, nor shall such guards be made inoperative on any machinery to be used by any worker.

Article 12

The ratification of this Convention shall not affect the rights of workers under national social security or social insurance legislation.

Article 13

The provisions of this Part of this Convention relating to the obligations of employers and workers shall, if and in so far as the competent authority so determines, apply to self-employed workers.

Article 14

The term *employer* for the purpose of this Part of this Convention includes, where appropriate under national laws or regulations, a prescribed agent of the employer.

Part IV. Measures of application

Article 15

1. All necessary measures, including the provision of appropriate penalties, shall be taken to ensure the effective enforcement of the provisions of this Convention.

2. Each Member which ratifies this Convention undertakes to provide appropriate inspection services for the purpose of supervising the application of the provisions of the Convention, or to satisfy itself that appropriate inspection is carried out.

Article 16

Any national laws or regulations giving effect to the provisions of this Convention shall be made by the competent authority after consultation with the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

Part V. Scope

Article 17

1. The provisions of this Convention apply to all branches of economic activity unless the Member ratifying the Convention specifies a more limited application by a declaration appended to its ratification.

2. In cases where a declaration specifying a more limited application is made:

- (a) the provisions of the Convention shall be applicable as a minimum to undertakings or branches of economic activity in respect of which the competent authority, after consultation with the labour inspection services and with the most representative organisations of employers and workers concerned, determines that machinery is extensively used; the initiative for such consultation can be taken by any such organisation;
- (b) the Member shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation any progress which may have been made with a view towards wider application of the provisions of this Convention.

3. Any Member which has made a declaration in pursuance of paragraph 1 of this Article may at any time cancel that declaration in whole or in part by a subsequent declaration.

Guarding of Machinery Recommendation, 1963 (No. 118)

Status	Adoption
Technical instrument to be revised	Geneva, ILC 47th Session (25 June 1963)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-seventh Session on 5 June 1963, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the sale, hire and use of inadequately guarded machinery, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Guarding of Machinery Convention, 1963,

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-three, the following Recommendation, which may be cited as the Guarding of Machinery Recommendation, 1963:

I. Manufacture, sale, hire, transfer in any other manner and exhibition

1. (1) The manufacture, sale, hire, and, to such extent as the competent authority may determine, the transfer in any other manner and exhibition of specified types of machinery should be prohibited by national laws or regulations or prevented by other equally effective measures when this machinery, as defined in Article 1 of the Guarding of Machinery Convention, 1963, comprises, in addition to the parts specified in Article 2 thereof, dangerous working parts (at the point of operation) which are without appropriate guards.

(2) The provisions of subparagraph (1) of this Paragraph and of Paragraph 2 should be considered in the design of the machinery in question.

(3) The types of machinery referred to in subparagraph (1) should be specified by national laws or regulations or other equally effective measures.

2. In specifying the types of machinery covered by Paragraph 1 account should also be taken of the following provisions:

- (a) all working parts of machinery which, while in operation, may produce flying particles should be adequately guarded in such a manner as to ensure the safety of the operators;
- (b) all parts of machinery which are under dangerous electrical pressure should be protected in such a manner as to give complete protection to the workers;
- (c) wherever possible, automatic safeguards should protect persons when machinery is being started, is in operation or is being stopped;
- (d) machinery should be so constructed as to exclude as far as possible any dangers other than those specified in this Paragraph to which a person working on the machines may be exposed, taking account of the nature of the materials or the type of danger.

3. (1) The provisions of Paragraph 1 do not apply to machinery or working parts thereof specified in that Paragraph which:

- (a) are, by virtue of their construction, as safe as if they were guarded by appropriate safety devices; or
- (b) are intended to be so installed or placed that, by virtue of their installation or position, they are as safe as if they were guarded by appropriate safety devices.

(2) The prohibition of the manufacture, sale, hire, transfer in any other manner, or exhibition of machinery provided for in Paragraph 1 does not apply to machinery by reason only of the machinery being so designed that the requirements of that Paragraph concerning guarding are not fully complied with during maintenance, lubrication, setting-up and adjustment, if such operations can be carried out in conformity with accepted standards of safety.

(3) The provisions of Paragraph 1 do not prohibit the sale or transfer in any other manner of machinery for storage, scrapping or reconditioning, but such machinery should not be sold, hired,

transferred in any other manner or exhibited after storage or reconditioning unless protected in conformity with the said provisions.

4. The obligation to ensure compliance with the provisions of Paragraph 1 should rest on the manufacturer, the vendor, the person letting out on hire or transferring the machinery in any other manner, or the exhibitor, and, where appropriate under national laws or regulations, their respective agents.

5. (1) Any Member may provide for a temporary exemption from the provisions of Paragraph 1.

(2) The duration of such temporary exemption, which should in no case exceed three years, and any other conditions relating thereto, should be prescribed by national laws or regulations or determined by other equally effective measures.

(3) In the application of this Paragraph the competent authority should consult the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

6. Any operating instructions for machinery should be based on safe methods of operation.

II. Use

7. (1) The use of machinery any dangerous part of which, including the point of operation, is without appropriate guards should be prohibited by national laws or regulations or prevented by other equally effective measures: Provided that where this prohibition cannot fully apply without preventing the use of the machinery it should apply to the extent that the use of the machinery permits. (2) Machinery should be so guarded as to ensure that national regulations and standards of occupational safety and hygiene are not infringed.

8. The obligation to ensure compliance with the provisions of Paragraph 7 should rest on the employer.

9. (1) The provisions of Paragraph 7 do not apply to machinery or parts thereof which, by virtue of their construction, installation or position, are as safe as if they were guarded by appropriate safety devices.

(2) The provisions of Paragraph 7 and Paragraph 12 do not prevent the maintenance, lubrication, setting-up or adjustment of machinery or parts thereof carried out in conformity with accepted standards of safety.

10. (1) Any Member may provide for a temporary exemption from the provisions of Paragraph 7.

(2) The duration of such temporary exemption, which should in no case exceed three years, and any other conditions relating thereto, should be prescribed by national laws or regulations or determined by other equally effective measures.

(3) In the application of this Paragraph the competent authority should consult the most representative organisations of employers and workers concerned.

11. (1) The employer should take steps to bring national laws or regulations relating to the guarding of machinery to the notice of workers and should instruct them, as and where appropriate, regarding the dangers arising and the precautions to be observed in the use of machinery.

(2) The employer should establish and maintain such environmental conditions as not to endanger workers employed on machinery covered by this Recommendation.

12. (1) No worker should use any machinery without the guards provided being in position, nor should any worker be required to use any machinery without the guards provided being in position.

(2) No worker using machinery should make inoperative the guards provided, nor should such guards be made inoperative on any machinery to be used by any worker.

13. The rights of workers under national social security or social insurance legislation should not be affected by the application of this Recommendation.

14. The provisions of this part of this Recommendation relating to the obligations of employers and workers should, if and in so far as the competent authority so determines, be applied to self-employed workers.

15. The term *employer* for the purpose of this part of this Recommendation includes, where appropriate under national laws and regulations, a prescribed agent of the employer.

III. Scope

16. This Recommendation applies to all branches of economic activity.

IV. Miscellaneous provisions

17. (1) All necessary measures should be taken to ensure the effective enforcement of the provisions of this Recommendation. Such measures should include the fullest possible detailed specification of the means by which machinery or certain types thereof may be regarded as appropriately guarded, provision for effective inspection and provision for appropriate penalties.

(2) Each Member should provide appropriate inspection services for the purpose of supervising the application of this Recommendation, or satisfy itself that appropriate inspection is carried out.

18. (1) Members exporting or importing machinery should enter into bilateral or multilateral arrangements providing for mutual consultation and co-operation concerning the application of the Guarding of Machinery Convention, 1963, and this Recommendation in respect of transactions having an international character for the sale or hire of machinery.

(2) Such arrangements should provide, in particular, for uniformity in occupational safety and hygiene standards relating to machinery.

(3) In making such arrangements, Members should have regard to the relevant Model Codes of Safety Regulations and Codes of Practice published from time to time by the International Labour Office, and to the appropriate standards of international organisations for standardisation.

19. National laws or regulations giving effect to the provisions of this Recommendation should be made by the competent authority after consultation with the most representative organisations of employers and workers concerned and, as appropriate, manufacturers' organisations.

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Maximum Weight Convention, 1967 (No. 127)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	10 Mar 1970	Geneva, ILC 51st Session (28 June 1967)	29

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7 June 1967, and

Having decided upon the adoption of certain proposals with regard to maximum permissible weight to be carried by one worker, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-seven the following Convention, which may be cited as the Maximum Weight Convention, 1967:

Article 1

For the purpose of this Convention:

- (a) the term *manual transport of loads* means any transport in which the weight of the load is wholly borne by one worker; it covers the lifting and putting down of loads;
- (b) the term *regular manual transport of loads* means any activity which is continuously or principally devoted to the manual transport of loads, or which normally includes, even though intermittently, the manual transport of loads;
- (c) the term *young worker* means a worker under 18 years of age.

Article 2

1. This Convention applies to regular manual transport of loads.
2. This Convention applies to all branches of economic activity in respect of which the Member concerned maintains a system of labour inspection.

Article 3

No worker shall be required or permitted to engage in the manual transport of a load which, by reason of its weight, is likely to jeopardise his health or safety.

Article 4

In the application of the principle set forth in Article 3, Members shall take account of all the conditions in which the work is to be performed.

Article 5

Each Member shall take appropriate steps to ensure that any worker assigned to manual transport of loads other than light loads receives, prior to such assignment, adequate training or instruction in working techniques, with a view to safeguarding health and preventing accidents.

Article 6

In order to limit or to facilitate the manual transport of loads, suitable technical devices shall be used as much as possible.

Article 7

1. The assignment of women and young workers to manual transport of loads other than light loads shall be limited.
2. Where women and young workers are engaged in the manual transport of loads, the maximum weight of such loads shall be substantially less than that permitted for adult male workers.

Article 8

Each Member shall, by laws or regulations or any other method consistent with national practice and conditions and in consultation with the most representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to the provisions of the Convention.

Maximum Weight Recommendation, 1967 (No. 128)

Status	Adoption
Technical instrument to be revised	Geneva, ILC 51st Session (28 June 1967)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Fifty-first Session on 7 June 1967, and
 Having decided upon the adoption of certain proposals with regard to maximum permissible
 weight to be carried by one worker, which is the sixth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Maximum Weight Convention, 1967,
 adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-seven, the
 following Recommendation, which may be cited as the Maximum Weight Recommendation, 1967:

I. Definition and scope

1. For the purpose of this Recommendation:
 - (a) the term *manual transport of loads* means any transport in which the weight of the load is wholly borne by one worker; it covers the lifting and putting down of loads;
 - (b) the term *regular manual transport of loads* means any activity which is continuously or principally devoted to the manual transport of loads, or which normally includes, even though intermittently, the manual transport of loads;
 - (c) the term *young worker* means a worker under 18 years of age.
2. Except as otherwise provided herein, this Recommendation applies both to regular and to occasional manual transport of loads other than light loads.
3. This Recommendation applies to all branches of economic activity.

II. General principle

4. No worker should be required or permitted to engage in the manual transport of a load which by reason of its weight is likely to jeopardise his health or safety.

III. Training and instructions

5. (1) Any worker assigned to regular manual transport of loads should, prior to such assignment, receive adequate training or instruction in working techniques, with a view to safeguarding health and preventing accidents.
 - (2) Such training or instruction should include methods of lifting, carrying, putting down, unloading and stacking of different types of loads, and should be given by suitably qualified persons or institutions.
 - (3) Such training or instruction should, wherever practicable, be followed up by supervision on the job to ensure that the correct methods are used.
6. Any worker occasionally assigned to manual transport of loads should be given appropriate instructions on the manner in which such operations may be safely carried out.

IV. Medical examinations

7. A medical examination for fitness for employment should, as far as practicable and appropriate, be required before assignment to regular manual transport of loads.
8. Further medical examinations should be made from time to time as necessary.
9. Regulations concerning the examinations provided for in Paragraphs 7 and 8 of this Recommendation should be made by the competent authority.

10. The examination provided for in Paragraph 7 of this Recommendation should be certified. The certificate should refer only to fitness for employment and should not contain medical data.

V. Technical devices and packaging

11. In order to limit or to facilitate the manual transport of loads, suitable technical devices should be used as much as possible.

12. The packaging of loads which may be transported manually should be compact and of suitable material and should, as far as possible and appropriate, be equipped with devices for holding and so designed as not to create risk of injury; for example, it should not have sharp edges, projections or rough surfaces.

VI. Maximum weight

13. In the application of this Part of this Recommendation, Members should take account of:

- (a) physiological characteristics, environmental conditions and the nature of the work to be done;
- (b) any other conditions which may influence the health and safety of the worker.

A. Adult male workers

14. Where the maximum permissible weight which may be transported manually by one adult male worker is more than 55 kg., measures should be taken as speedily as possible to reduce it to that level.

B. Women workers

15. Where adult women workers are engaged in the manual transport of loads, the maximum weight of such loads should be substantially less than that permitted for adult male workers.

16. As far as possible, adult women workers should not be assigned to regular manual transport of loads.

17. Where adult women workers are assigned to regular manual transport of loads, provision should be made:

- (a) as appropriate, to reduce the time spent on actual lifting, carrying and putting down of loads by such workers;
- (b) to prohibit the assignment of such workers to certain specified jobs, comprised in manual transport of loads, which are especially arduous.

18. No woman should be assigned to manual transport of loads during a pregnancy which has been medically determined or during the ten weeks following confinement if in the opinion of a qualified physician such work is likely to impair her health or that of her child.

C. Young workers

19. Where young workers are engaged in the manual transport of loads, the maximum weight of such loads should be substantially less than that permitted for adult workers of the same sex.

20. As far as possible, young workers should not be assigned to regular manual transport of loads.

21. Where the minimum age for assignment to manual transport of loads is less than 16 years, measures should be taken as speedily as possible to raise it to that level.

22. The minimum age for assignment to regular manual transport of loads should be raised, with a view to attaining a minimum age of 18 years.

23. Where young workers are assigned to regular manual transport of loads, provision should be made:

- (a) as appropriate, to reduce the time spent on actual lifting, carrying and putting down of loads by such workers;
- (b) to prohibit the assignment of such workers to certain specified jobs, comprised in manual transport of loads, which are especially arduous.

VII. Other measures to protect health and safety

24. On the basis of medical opinion and taking account of all the relevant conditions of the work, the competent authority should endeavour to ensure that the exertion required in a working day or shift of workers assigned to manual transport of loads is not likely to jeopardise the health or safety of such workers.

25. Such appropriate devices and equipment as may be necessary to safeguard the health and safety of workers engaged in manual transport of loads should be provided or made available to such workers and should be used by them.

VIII. Miscellaneous provisions

26. The training or instruction and the medical examinations provided for in its Recommendation should not involve the worker in any expense.

27. The competent authority should actively promote scientific research, including ergonomic studies, concerning the manual transport of loads, with the object, *inter alia*, of:

- (a) determining the relationship, if any, between occupational diseases and disorders and manual transport of loads; and
- (b) minimising the hazards to health and safety of workers engaged in the manual transport of loads.

28. Where methods of transportation of goods by pulling and pushing are prevalent which impose physical strain analogous to that involved in the manual transport of loads, the competent authority may give consideration to the application to such work of such provisions of this Recommendation as may be appropriate.

29. Each Member should, by laws or regulations or any other method consistent with national practice and conditions and in consultation with the most representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to the provisions of this Recommendation.

30. Members may permit exceptions to the application of particular provisions of this Recommendation, after consultation with the national inspection service and with the most representative organisations of employers and workers concerned, where the circumstances of the work or the nature of the loads require such exceptions; for every exception or category of exceptions the limits of the derogation should be specified.

31. Each Member should, in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Recommendation rests as well as the authority responsible for the supervision of the application of these provisions.

Benzene Convention, 1971 (No. 136)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	27 July 1973	Geneva, ILC 56th Session (23 June 1971)	38

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-sixth Session on 2 June 1971, and
 Having decided upon the adoption of certain proposals with regard to protection against hazards arising from benzene, which is the sixth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention, adopts this twenty-third day of June of the year one thousand nine hundred and seventy-one the following Convention, which may be cited as the Benzene Convention, 1971:

Article 1

This Convention applies to all activities involving exposure of workers to:

- (a) the aromatic hydrocarbon benzene C_6H_6 , hereinafter referred to as **benzene** ;
- (b) products the benzene content of which exceeds 1 per cent by volume, hereinafter referred to as **products containing benzene** .

Article 2

1. Whenever harmless or less harmful substitute products are available, they shall be used instead of benzene or products containing benzene.

2. Paragraph 1 of this Article does not apply to:

- (a) the production of benzene;
- (b) the use of benzene for chemical synthesis;
- (c) the use of benzene in motor fuel;
- (d) analytical or research work carried out in laboratories.

Article 3

1. The competent authority in a country may permit temporary derogations from the percentage laid down in Article 1, subparagraph (b), and from the provisions of Article 2, paragraph 1, of this Convention under conditions and within limits of time to be determined after consultation with the most representative organisations of employers and workers concerned, where such exist.

2. In such case the Member in question shall indicate in its reports on the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards the derogations and any progress made towards complete application of the terms of the Convention.

3. At the expiration of three years from the date on which this Convention first entered into force, the Governing Body of the International Labour Office shall submit to the Conference a special report concerning the application of paragraphs 1 and 2 of this Article and containing such proposals as it may think appropriate for further action in regard to the matter.

Article 4

1. The use of benzene and of products containing benzene shall be prohibited in certain work processes to be specified by national laws or regulations.

2. This prohibition shall at least include the use of benzene and of products containing benzene as a solvent or diluent, except where the process is carried out in an enclosed system or where there are other equally safe methods of work.

Article 5

Occupational hygiene and technical measures shall be taken to ensure effective protection of workers exposed to benzene or to products containing benzene.

Article 6

1. In premises where benzene or products containing benzene are manufactured, handled or used, all necessary measures shall be taken to prevent the escape of benzene vapour into the air of places of employment.

2. Where workers are exposed to benzene or to products containing benzene, the employer shall ensure that the concentration of benzene in the air of the places of employment does not exceed a maximum which shall be fixed by the competent authority at a level not exceeding a ceiling value of 25 parts per million (80 mg/m³).

3. The competent authority shall issue directions on carrying out the measurement of the concentration of benzene in the air of places of employment.

Article 7

1. Work processes involving the use of benzene or of products containing benzene shall as far as practicable be carried out in an enclosed system.

2. Where it is not practicable for the work processes to be carried out in an enclosed system, places of work in which benzene or products containing benzene are used shall be equipped with effective means to ensure the removal of benzene vapour to the extent necessary for the protection of the health of the workers.

Article 8

1. Workers who may have skin contact with liquid benzene or liquid products containing benzene shall be provided with adequate means of personal protection against the risk of absorbing benzene through the skin.

2. Workers who for special reasons may be exposed to concentrations of benzene in the air of places of employment which exceed the maximum referred to in Article 6, paragraph 2, of this Convention shall be provided with adequate means of personal protection against the risk of inhaling benzene vapour. The duration of exposure shall be limited as far as possible.

Article 9

1. Workers who are to be employed in work processes involving exposure to benzene or to products containing benzene shall undergo:

- (a) a thorough pre-employment medical examination for fitness for employment which shall include a blood-test;
- (b) periodic re-examinations, which shall include biological tests including a blood-test, at intervals fixed by national laws or regulations.

2. The competent authority in a country may, after consultation with the most representative organisations of employers and workers concerned, where such exist, permit exceptions from the obligations of paragraph 1 of this Article in respect of specified categories of workers.

Article 10

1. The medical examinations provided for in Article 9, paragraph 1, of this Convention shall be:

- (a) carried out under the responsibility of a qualified physician, approved by the competent authority, and with the assistance, as appropriate, of a competent laboratory;
- (b) certified in an appropriate manner.

2. These medical examinations shall not involve the workers in any expense.

Article 11

1. Women medically certified as pregnant, and nursing mothers, shall not be employed in work processes involving exposure to benzene or products containing benzene.

2. Young persons under 18 years of age shall not be employed in work processes involving exposure to benzene or products containing benzene: Provided that this prohibition need not apply to young persons undergoing education or training who are under adequate technical and medical supervision.

Article 12

The word "Benzene" and the necessary danger symbols shall be clearly visible on any container holding benzene or products containing benzene.

Article 13

Each Member shall take appropriate steps to provide that any worker exposed to benzene or products containing benzene receives appropriate instructions on measures to safeguard health and prevent accidents, as well as on the appropriate action if there is any evidence of poisoning.

Article 14

Each Member which ratifies this Convention:

- (a) shall, by laws or regulations or any other method consistent with national practice and conditions, take such steps as may be necessary to give effect to the provisions of this Convention;
- (b) shall, in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Convention rests;
- (c) undertakes to provide appropriate inspection services for the purpose of supervising the application of the provisions of this Convention, or to satisfy itself that appropriate inspection is carried out.

Benzene Recommendation, 1971 (No. 144)

Status	Adoption
Technical instrument to be revised	Geneva, ILC 56th Session (23 June 1971)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Fifty-sixth Session on 2 June 1971, and
Having adopted the Benzene Convention, 1971, and
Having decided upon the adoption of certain proposals with regard to protection against hazards
arising from benzene, which is the sixth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation,
adopts this twenty-third day of June of the year one thousand nine hundred seventy-one, the
following Recommendation, which may be cited as the Benzene Recommendation, 1971:

I. Scope

1. This Recommendation applies to all activities involving exposure of workers to:
 - (a) the aromatic hydrocarbon benzene C_6H_6 , hereinafter referred to as *benzene*;
 - (b) products the benzene content of which exceeds 1 per cent by volume, hereinafter referred to as *products containing benzene*; the benzene content should be determined by analytical methods recommended by the competent international organisations.
2. Notwithstanding the provisions of Paragraph 1 of this Recommendation, the benzene content of products not covered by clause (b) of that Paragraph should be progressively reduced to as low as practicable where this is necessary for the protection of the health of workers.

II. Restrictions on the use of benzene

3. (1) Whenever harmless or less harmful substitute products are available they should be used instead of benzene or products containing benzene.
 - (2) Subparagraph (1) of this Paragraph does not apply to:
 - (a) the production of benzene;
 - (b) the use of benzene for chemical synthesis;
 - (c) the use of benzene in motor fuel;
 - (d) analytical or research work carried out in laboratories.
 4. (1) The use of benzene and of products containing benzene should be prohibited in certain work processes to be specified by national laws or regulations.
 - (2) This prohibition should at least include the use of benzene and of products containing benzene as a solvent or diluent, except where the process is carried out in an enclosed system or where there are other equally safe methods of work.
 5. The sale of certain industrial products containing benzene (such as paints, varnishes, mastics, glues, adhesives, inks and various solutions), to be specified by national laws or regulations, should be prohibited in cases to be determined by the competent authority.

III. Technical measures for the prevention of hazards; occupational hygiene

6. (1) Occupational hygiene and technical measures should be taken to ensure effective protection of workers exposed to benzene or to products containing benzene.
 - (2) Notwithstanding the provisions of Paragraph 1 of this Recommendation, such measures should also be taken where workers are exposed to products the benzene content of which is below 1 per cent by volume, if this is necessary to ensure that the concentration of benzene in the air remains below the maximum fixed by the competent authority.

7. (1) In premises where benzene or products containing benzene are manufactured, handled or used, all necessary measures should be taken to prevent the escape of benzene vapour into the air of places of employment.

(2) Where workers are exposed to benzene or to products containing benzene, the employer should ensure that the concentration of benzene in the air of the places of employment does not exceed a maximum which should be fixed by the competent authority at a level not exceeding a ceiling value of 25 parts per million (80 mg/m³).

(3) The maximum concentration referred to in subparagraph (2) of this Paragraph should be lowered as soon as possible if medical evidence shows this to be desirable.

(4) The competent authority should issue directions on carrying out the measurement of the concentration of benzene in the air of places of employment.

8. (1) Work processes involving the use of benzene or of products containing benzene should as far as practicable be carried out in an enclosed system.

(2) Where it is not practicable for the work processes to be carried out in an enclosed system, places of work in which benzene or products containing benzene are used should be equipped with effective means to ensure the removal of benzene vapour to the extent necessary for the protection of the health of the workers.

(3) Care should be taken to ensure that wastes containing liquid benzene or benzene vapour do not endanger the health of workers.

9. (1) Workers who may have skin contact with liquid benzene or liquid products containing benzene should be provided with adequate means of personal protection against the risk of absorbing benzene through the skin.

(2) Workers who for special reasons may be exposed to concentrations of benzene in the air of places of employment which exceed the maximum referred to in Paragraph 7, subparagraph (2), of this Recommendation should be provided with adequate means of personal protection against the risk of inhaling benzene vapour. The duration of exposure should be limited as far as possible.

10. Every worker exposed to benzene or to products containing benzene should wear appropriate work clothes.

11. The use of benzene or of products containing benzene by workers for cleaning their hands or their work clothes should be prohibited.

12. Food should not be introduced into or consumed in areas in which benzene or products containing benzene are manufactured, handled or used. Smoking should be prohibited in such areas.

13. In undertakings in which benzene or products containing benzene are manufactured, handled or used, all appropriate measures should be taken by the employer to have available for workers:

- (a) sufficient and suitable washing facilities, in suitable places and properly maintained;
- (b) suitable accommodation for taking meals, unless appropriate arrangements exist for the workers to take their meals elsewhere;
- (c) changing rooms or other suitable facilities, where work clothing can be stored separately from the ordinary clothes of the workers.

14. (1) The means of personal protection referred to in Paragraph 9 of this Recommendation and the work clothes referred to in Paragraph 10 thereof should be supplied, cleaned and regularly maintained by the employer.

(2) The workers concerned should be required to use these means of personal protection and these work clothes, and to take care of them.

IV. Medical measures

15. (1) Workers who are to be employed in work processes involving exposure to benzene or to products containing benzene should undergo:

- (a) a thorough pre-employment medical examination for fitness for employment which shall include a blood-test;
- (b) periodic re-examinations, which shall include biological tests including a blood-test, at intervals, of not more than one year, fixed by national laws or regulations.

(2) The competent authority in a country may, after consultation with the most representative organisations of employers and workers concerned, where such exist, permit exceptions from the provisions of subparagraph (1) of this Paragraph in respect of specified categories of workers.

16. On the occasion of the medical examinations the workers concerned should be given written instructions on protective measures against the health hazards of benzene.

17. The medical examinations provided for in Paragraph 15, subparagraph (1), of this Recommendation should be:

- (a) carried out under the responsibility of a qualified physician, approved by the competent authority, and with the assistance, as appropriate, of a competent laboratory;
- (b) certified in an appropriate manner.

18. These medical examinations should be carried out during working hours, and should not involve the workers in any expense.

19. Women medically certified as pregnant, and nursing mothers, should not be employed in work processes involving exposure to benzene or products containing benzene.

20. Young persons under 18 years of age should not be employed in work processes involving exposure to benzene or products containing benzene, except where they are undergoing education or training and are under adequate technical and medical supervision.

V. Containers

21. (1) The word "Benzene" and the necessary danger symbols should be clearly visible on any container holding benzene or products containing benzene.

(2) An indication of the percentage of benzene contained in the product in question should also be given.

(3) The danger symbols referred to in subparagraph (1) of this Paragraph should be internationally recognised.

22. Benzene and products containing benzene should not be brought into any place of employment except in containers which are of suitable material, adequate strength, and so designed and constructed as to prevent any leakage, or inadvertent escape of vapours.

VI. Measures of education

23. Each Member should take appropriate steps to provide that any worker exposed to benzene or products containing benzene receives appropriate training and instructions at the employer's expense on measures to safeguard health and prevent accidents, as well as on the appropriate action if there is any evidence of poisoning.

24. In appropriate positions in premises in which benzene or products containing benzene are used, notices should be displayed which indicate:

- (a) the hazards;
- (b) the preventive measures to be taken;
- (c) the protective equipment to be used;
- (d) first-aid measures to be taken in cases of acute benzene poisoning.

VII. General provisions

25. Each Member should:

- (a) by laws or regulations or any other method consistent with national practice and conditions, take such steps as may be necessary to give effect to the provisions of this Recommendation;
- (b) in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Recommendation rests;
- (c) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out.

26. The competent authority in each country should actively promote research into harmless or less harmful products which could replace benzene.

27. The competent authority should establish a statistical system for reporting data concerning medically observed cases of benzene poisoning and these should be published annually.

Anthrax Prevention Recommendation, 1919 (No. 3)

Status	Adoption
Technical instrument to be revised	Washington, ILC 1st Session (28 Nov 1919)

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29 October 1919, and

Having decided upon the adoption of certain proposals with regard to women's employment: unhealthy processes, which is part of the third item in the agenda for the Washington meeting of the Conference; and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Anthrax Prevention Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

The General Conference recommends to the Members of the International Labour Organisation that arrangements should be made for the disinfection of wool infected with anthrax spores, either in the country exporting such wool or if that is not practicable at the port of entry in the country importing such wool.

Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4)

Status	Adoption
Technical instrument to be revised	Washington, ILC 1st Session (28 Nov 1919)

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29 October 1919, and

Having decided upon the adoption of certain proposals with regard to women's and children's employment: unhealthy processes, which is part of the third and fourth items in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Lead Poisoning (Women and Children) Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

1. The General Conference recommends to the Members of the International Labour Organisation that, in view of the danger involved to the function of maternity and to the physical development of children, women and young persons under the age of eighteen years be excluded from employment in the following processes:

- (a) in furnace work in the reduction of zinc or lead ores;

- (b) in the manipulation, treatment, or reduction of ashes containing lead, and the desilvering of lead;
- (c) in melting lead or old zinc on a large scale;
- (d) in the manufacture of solder or alloys containing more than ten per cent. of lead;
- (e) in the manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, chromate or silicate (frit) of lead;
- (f) in mixing and pasting in the manufacture or repair of electric accumulators;
- (g) in the cleaning of workrooms where the above processes are carried on.

2. It is further recommended that the employment of women and young persons under the age of eighteen years in processes involving the use of lead compounds be permitted only subject to the following conditions:

- (a) locally applied exhaust ventilation, so as to remove dust and fumes at the point of origin;
- (b) cleanliness of tools and workrooms;
- (c) notification to Government authorities of all cases of lead poisoning, and compensation therefor;
- (d) periodic medical examination of the persons employed in such processes;
- (e) provision of sufficient and suitable cloak-room, washing, and mess-room accommodation, and of special protective clothing;
- (f) prohibition of bringing food or drink into workrooms.

3. It is further recommended that in industries where soluble lead compounds can be replaced by non-toxic substances, the use of soluble lead compounds should be strictly regulated.

4. For the purpose of this Recommendation, a lead compound should be considered as soluble if it contains more than five per cent. of its weight (estimated as metallic lead) soluble in a quarter of one per cent. solution of hydrochloric acid.

White Phosphorus Recommendation, 1919 (No. 6)

Status	Adoption
Technical instrument to be revised	Washington, ILC 1st Session (28 Nov 1919)

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29 October 1919, and

Having decided upon the adoption of a proposal with regard to the extension and application of the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches, which is part of the fifth item in the agenda for the Washington meeting of the Conference, and

Having determined that this proposal shall take the form of a Recommendation, adopts the following Recommendation, which may be cited as the White Phosphorus Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

The General Conference recommends that each Member of the International Labour Organisation, which has not already done so, should adhere to the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.

ANNEX

International convention on the subject of the prohibition of the use of white (yellow) phosphorus in the manufacture of matches, concluded at Berne in 1906

Article 1

The High Contracting Parties bind themselves to prohibit in their prospective territories the manufacture, importation and sale of matches which contain white (yellow) phosphorus.

Article 2

It is incumbent upon each of the contracting States to take the administrative measures necessary to ensure the strict execution of the terms of the present Convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject-matter of the present Convention, as well as the reports on the manner in which the said laws and regulations are applied.

Article 3

The present Convention shall only apply to a colony, possession or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

Article 4

The present Convention shall be ratified, and the ratification deposited with the Swiss Federal Council by the 31 December 1908, at the latest.

A record of the deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present Convention shall come into force three years after the date on which the record of the deposit is closed.

Article 5

The States non-signatories to the present Convention shall be allowed to declare their adhesion by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

The time limit laid down in Article 4 for the coming into force of the present Convention is extended in the case of the non-signatory States, as well as of their colonies, possessions, or protectorates, to five years, counting from the date of their notification of their adhesion.

Article 6

It shall not be possible for the signatory States, or the States, colonies, possessions, or protectorates who may subsequently adhere, to denounce the present Convention before the expiration of five years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the Convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or in the case of a colony, possession or protectorate, by the Government of the mother country; the Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present Convention.

Done at Berne this 26 day of September, 1906, in a single copy which shall be kept in the archives of the Swiss Federation, and one copy of which duly certified shall be delivered to each of the contracting Powers through the diplomatic channel.

3. Protection in specific branches of activity³

Hygiene (Commerce and Offices) Convention, 1964 (No. 120)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	29 Mar 1966	Geneva, ILC 48th Session (8 July 1964)	51

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the adoption of certain proposals with regard to hygiene in commerce and offices, which is the fourth item on the agenda of the session, and

Having determined that certain of these proposals shall take the form of an international Convention,

adopts this eighth day of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Hygiene (Commerce and Offices) Convention, 1964:

Part I. Obligations of parties

Article 1

This Convention applies to:

- (a) trading establishments;
- (b) establishments, institutions and administrative services in which the workers are mainly engaged in office work;
- (c) in so far as they are not subject to national laws or regulations or other arrangements concerning hygiene in industry, mines, transport or agriculture, any departments of other establishments, institutions, or administrative services in which departments the workers are mainly engaged in commerce or office work.

Article 2

The competent authority may, after consultation with the organisations of employers and workers directly concerned, where such exist, exclude from the application of all or any of the provisions of this Convention specified classes of the establishments, institutions or administrative services, or departments thereof, referred to in Article 1, where the circumstances and conditions of employment are such that the application to them of all or any of the said provisions would be inappropriate.

Article 3

In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Convention applies, the question shall be settled either by the competent authority after consultation with the representative organisations of employers and workers concerned, where such exist, or in any other manner which is consistent with national law and practice.

3. 1) Outdated instrument: Safety Provisions (Building) Convention, 1937 (No. 62). 2) Replaced recommendations: Safety Provisions (Building) Recommendation, 1937 (No. 53); Co-operation in Accident Prevention (Building) Recommendation, 1937 (No. 55).

Article 4

Each Member which ratifies this Convention undertakes that it will:

- (a) maintain in force laws or regulations which ensure the application of the General Principles set forth in Part II; and
- (b) ensure that such effect as may be possible and desirable under national conditions is given to the provisions of the Hygiene (Commerce and Offices) Recommendation, 1964, or to equivalent provisions.

Article 5

The laws or regulations giving effect to the provisions of this Convention and any laws or regulations giving such effect as may be possible and desirable under national conditions to the provisions of the Hygiene (Commerce and Offices) Recommendation, 1964, or to equivalent provisions, shall be framed after consultation with the representative organisations of employers and workers concerned, where such exist.

Article 6

1. Appropriate measures shall be taken, by adequate inspection or other means, to ensure the proper application of the laws or regulations referred to in Article 5.

2. Where it is appropriate to the manner in which effect is given to this Convention, the necessary measures in the form of penalties shall be taken to ensure the enforcement of such laws or regulations.

Part II. General principles*Article 7*

All premises used by workers, and the equipment of such premises, shall be properly maintained and kept clean.

Article 8

All premises used by workers shall have sufficient and suitable ventilation, natural or artificial or both, supplying fresh or purified air.

Article 9

All premises used by workers shall have sufficient and suitable lighting; workplaces shall, as far as possible, have natural lighting.

Article 10

As comfortable and steady a temperature as circumstances permit shall be maintained in all premises used by workers.

Article 11

All workplaces shall be so laid out and work-stations so arranged that there is no harmful effect on the health of the worker.

Article 12

A sufficient supply of wholesome drinking water or of some other wholesome drink shall be made available to workers.

Article 13

Sufficient and suitable washing facilities and sanitary conveniences shall be provided and properly maintained.

Article 14

Sufficient and suitable seats shall be supplied for workers and workers shall be given reasonable opportunities of using them.

Article 15

Suitable facilities for changing, leaving and drying clothing which is not worn at work shall be provided and properly maintained.

Article 16

Underground or windowless premises in which work is normally performed shall comply with appropriate standards of hygiene.

Article 17

Workers shall be protected by appropriate and practicable measures against substances, processes and techniques which are obnoxious, unhealthy or toxic or for any reason harmful. Where the nature of the work so requires, the competent authority shall prescribe personal protective equipment.

Article 18

Noise and vibrations likely to have harmful effects on workers shall be reduced as far as possible by appropriate and practicable measures.

Article 19

Every establishment, institution or administrative service, or department thereof, to which this Convention applies shall, having regard to its size and the possible risk:

- (a) maintain its own dispensary or first-aid post; or
- (b) maintain a dispensary or first-aid post jointly with other establishments, institutions or administrative services, or departments thereof; or
- (c) have one or more first-aid cupboards, boxes or kits.

Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 48th Session (8 July 1964)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-eighth Session on 17 June 1964, and
 Having decided upon the adoption of certain proposals with regard to hygiene in commerce and
 offices, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this eighth day of July of the year one thousand nine hundred and sixty-four, the following
 Recommendation, which may be cited as the Hygiene (Commerce and Offices) Recommendation,
 1964:

I. Scope

1. This Recommendation applies to all the following establishments, institutions and administrative services, whether public or private:

- (a) trading establishments;
- (b) establishments, institutions and administrative services in which the workers are mainly engaged in office work, including offices of persons engaged in the liberal professions;
- (c) in so far as they are not included in establishments referred to in Paragraph 2 and are not subject to national laws or regulations or other arrangements concerning hygiene in industry, mines, transport or agriculture, any departments of other establishments, institutions or administrative services in which departments the workers are mainly engaged in commerce or office work.

2. This Recommendation also applies to the following establishments, institutions and administrative services:

- (a) establishments, institutions and administrative services providing personal services;
- (b) postal and telecommunications services;
- (c) newspaper and publishing undertakings;
- (d) hotels and boarding houses;
- (e) restaurants, clubs, cafés, and other catering establishments;
- (f) theatres and places of public entertainment and other recreational services.

3. (1) Where necessary, appropriate arrangements should be made to define, after consultation with the representative organisations of employers and workers concerned, the line which separates establishments, institutions or administrative services to which this Recommendation applies from other establishments.

(2) In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Recommendation applies, the question should be settled either by the competent authority after consultation with the representative organisations of employers and workers concerned, or in any other manner which is consistent with national law and practice.

II. Methods of application

4. Having regard to the diversity of national circumstances and practices, effect may be given to the provisions of this Recommendation:

- (a) by national laws or regulations;
- (b) by collective agreement or as otherwise agreed by the employers and workers concerned;
- (c) by arbitration awards; or
- (d) in any other manner approved by the competent authority after consultation with the representative organisations of employers and workers concerned.

III. Maintenance and cleanliness

5. All places in which work is carried on, or through which workers may have to pass, or which contain sanitary or other facilities provided for the common use of workers, and the equipment of such places, should be properly maintained.

6. (1) All such places and equipment should be kept clean.

(2) In particular the following should be regularly cleaned:

- (a) floors, stairs and passages;
- (b) windows used for lighting, and sources of artificial lighting;
- (c) walls, ceilings and equipment.

7. Cleaning should be carried out:

- (a) by means raising the minimum amount of dust;
- (b) outside working hours, except in particular circumstances or where cleaning during working hours can be effected without disadvantage for the workers.

8. Cloakrooms, lavatories, washstands and, if necessary, other facilities for the common use of workers should be regularly cleaned and periodically disinfected.

9. All refuse and waste likely to give off obnoxious, toxic or harmful substances, or be a source of infection, should be made harmless, removed or isolated at the earliest possible moment; disposal should be in accordance with standards approved by the competent authority.

10. Removal and disposal arrangements for other refuse and waste should be made and sufficient receptacles for such refuse and waste should be provided in suitable places.

IV. Ventilation

11. In all places in which work is carried on, or which contain sanitary or other facilities for the common use of workers, there should be sufficient and suitable ventilation, natural or artificial or both, supplying fresh or purified air.

12. In particular:

- (a) apparatus ensuring natural or artificial ventilation should be so designed as to introduce a sufficient quantity of fresh or purified air per person and per hour into an area, taking into account the nature and conditions of the work;
- (b) arrangements should be made to remove or make harmless, as far as possible, fumes, dust and any other obnoxious or harmful impurities which may be generated in the course of work;
- (c) the normal speed of movement of air at fixed work-stations should not be harmful to the health or comfort of the persons working there;
- (d) as far as possible and in so far as conditions require, appropriate measures should be taken to ensure that in enclosed premises a suitable hygrometric level in the air is maintained.

13. Where a workplace is wholly or substantially air conditioned, suitable means of emergency ventilation, natural or artificial, should be provided.

V. Lighting

14. In all places in which work is carried on, or through which workers may have to pass or which contain sanitary or other facilities provided for the common use of workers, there should be, as long as the places are likely to be used, sufficient and suitable lighting, natural or artificial, or both.

15. In particular, all practicable measures should be taken:

- (a) to ensure visual comfort:
 - (i) by openings for natural lighting which are appropriately distributed and of sufficient size;
 - (ii) by a careful choice and appropriate distribution of artificial lighting;
 - (iii) by a careful choice of colours for the premises and their equipment;
- (b) to prevent discomfort or disorders caused by glare, excessive contrasts between light and shade, reflection of light and over-strong direct lighting;
- (c) to eliminate harmful flickering whenever artificial lighting is used.

16. Wherever sufficient natural lighting is reasonably practicable it should be adopted in preference to any other.

17. Suitable standards of natural or artificial lighting for different types of work and premises and various occupations should be fixed by the competent authority.

18. In premises where there are large numbers of workers or visitors, emergency lighting should be provided.

VI. Temperature

19. In all places in which work is carried on, or through which workers may have to pass, or which contain sanitary or other facilities provided for the common use of workers, the best possible conditions of temperature, humidity and movement of air should be maintained, having regard to the nature of work and the climate.

20. No worker should be required to work regularly in an extreme temperature. Accordingly, the competent authority should determine either maximum or minimum standards of temperature, or both, having regard to the climate and to the nature of the establishment, institution or administrative service and of the work.

21. No worker should be required to work regularly in conditions involving sudden variations in temperature which are considered by the competent authority to be harmful to health.

22. (1) No worker should be required to work regularly in the immediate neighbourhood of equipment radiating a large amount of heat or causing an intense cooling of the surrounding air, considered by the competent authority to be harmful to health, unless suitable control measures are taken, the time of the worker's exposure is reduced, or he is provided with suitable protective equipment or clothing.

(2) Fixed or movable screens, deflectors or other suitable devices should be provided and used to protect workers against any large-scale intake of cold or heat, including the heat of the sun.

23. (1) No worker should be required to work at an outdoor sales counter in low temperatures likely to be harmful unless suitable means of warming himself are available.

(2) No worker should be required to work at an outdoor sales counter in high temperatures likely to be harmful unless suitable means of protection against such high temperatures are available.

24. The use of methods of heating or cooling likely to cause harmful or obnoxious fumes in the atmosphere of premises should be forbidden.

25. When work is carried out in a very low or a very high temperature, workers should be given a shortened working day or breaks included in the working hours, or other relevant measures taken.

VII. Working space

26. (1) All workplaces should be so laid out and work-stations so arranged that there is no harmful effect on the health of the worker.

(2) Each worker should have sufficient unobstructed working space to perform his work without risk to his health.

27. The competent authority should specify:

- (a) the floor area to be provided in enclosed premises for each worker regularly working there;
- (b) the minimum unobstructed volume of space to be provided in enclosed premises for each worker regularly working there;
- (c) the minimum height of new enclosed premises in which work is to be regularly performed.

VIII. Drinking water

28. A sufficient supply of wholesome drinking water or of some other wholesome drink should be made available to workers. Wherever the distribution of running drinking water is practicable, preference should be given to this system.

29. (1) Any containers used to distribute drinking water or any other authorised drink should:

- (a) be tightly closed and where appropriate fitted with a tap;
- (b) be clearly marked as to the nature of their contents;
- (c) not be buckets, tubs or other receptacles with a wide open top (with or without a lid) in which it is possible to dip an instrument to draw off liquid;
- (d) be kept clean at all times.

(2) A sufficient number of drinking vessels should be provided and there should be facilities for washing them with clean water.

(3) Cups the use of which is shared by a number of workers should be forbidden.

30. (1) Water which does not come from an officially approved source for the distribution of drinking water should not be distributed as drinking water unless the competent health authority expressly authorises such distribution and holds periodical inspections.

(2) Any method of distribution other than that practised by the officially approved local supply service should be notified to the competent health authority for its approval.

31. (1) Any distribution of water not fit for drinking should be so labelled at the points where it can be drawn off.

(2) There should be no inter-connection, open or potential, between drinking water systems and systems of water not fit for drinking.

IX. Washstands and showers

32. Sufficient and suitable washing facilities should be provided for the use of workers in suitable places and should be properly maintained.

33. (1) These facilities should, to the greatest possible extent, include washstands, with hot water if necessary, and, where the nature of the work so requires, showers with hot water.

(2) Soap should be made available to workers.

(3) Appropriate products (such as detergents, special cleansing creams or powders) should be made available to workers wherever the nature of the work so requires; the use for personal cleanliness of products harmful to health should be forbidden.

(4) Towels, preferably individual, or other suitable means of drying themselves should be made available to workers. Towels for common use which do not provide a fresh clean portion for each use should be forbidden.

34. (1) Water provided for washstands and showers should not present any health risks.

(2) Where water used in washstands and showers is not fit for drinking, this should be clearly indicated.

35. Separate washing facilities should be provided for men and women, except in very small establishments where common facilities may be provided with the approval of the competent authority.

36. The number of washstands and showers should be fixed by the competent authority having regard to the number of workers and the nature of their work.

X. Sanitary conveniences

37. Sufficient and suitable sanitary conveniences should be provided for the use of workers in suitable places and should be properly maintained.

38. (1) Sanitary conveniences should be so partitioned as to ensure sufficient privacy.

(2) As far as possible sanitary conveniences should be supplied with flushing systems and traps and with toilet paper or some other hygienic means of cleaning.

(3) Appropriately designed receptacles with lids or other suitable disposal units such as incinerators should be provided in sanitary conveniences for women.

(4) As far as possible, conveniently accessible washstands in sufficient number should be provided near conveniences.

39. Separate sanitary conveniences should be provided for men and women, except, with the approval of the competent authority, in establishments where not more than five persons or only members of the employer's family are employed.

40. The number of W.C.'s and urinals for men, and of W.C.'s for women, should be fixed by the competent authority having regard to the number of workers.

41. Sanitary conveniences should be adequately ventilated and so located as to prevent nuisances. They should not communicate directly with workplaces, rest rooms or canteens, but should be separated therefrom by an antechamber or by an open space. Approaches to outdoor conveniences should be roofed.

XI. Seats

42. Sufficient and suitable seats should be supplied for workers and workers should be given reasonable opportunities of using them.

43. To the greatest possible extent, work-stations should be so arranged that workers who work standing may discharge their duties sitting whenever this is compatible with the nature of the work.

44. Seats supplied for workers should be of comfortable design and dimensions, be suited to the work performed, and facilitate good working posture in the interest of the worker's health; if necessary, foot-rests should be supplied for the same purpose.

XII. Clothing accommodation and changing rooms

45. Suitable facilities, such as hangers and cupboards, for changing, leaving and drying clothing which is not worn at work should be provided and properly maintained.

46. Where the number of workers and the nature of their work so require, changing rooms should be provided.

47. (1) Changing rooms should contain:

- (a) properly ventilated personal cupboards or other suitable receptacles of sufficient dimensions, which can be locked;
- (b) a sufficient number of seats.

(2) Separate compartments for street clothes and working attire should be provided whenever workers are engaged in operations necessitating the wearing of working attire which may be contaminated, heavily soiled, stained or impregnated.

48. There should be separate changing rooms for men and women.

XIII. Underground and similar premises

49. Underground or windowless premises in which work is normally performed should comply with appropriate standards of hygiene laid down by the competent authority.

50. As far as circumstances allow, workers should not be required to work continuously in underground or windowless premises, but should work there in rotation.

XIV. Obnoxious, unhealthy or toxic substances, processes and techniques

51. Workers should be protected by appropriate and practicable measures against substances, processes and techniques which are obnoxious, unhealthy, or toxic or for any reason harmful.

52. In particular:

- (a) all appropriate and practicable measures should be taken to replace such substances, processes and techniques by substances, processes and techniques which are not obnoxious, unhealthy or toxic or for any reason harmful, or which are not to the same extent;
- (b) the competent authority should encourage and advise on the measures of substitution referred to in clause (a) and, with regard to retail sales, the use of processes and techniques and containers excluding any harmful effects;
- (c) where the measures of substitution referred to in clause (a) are not possible, engineering control methods such as enclosure, isolation and ventilation should be used;
- (d) equipment to control or eliminate obnoxious, unhealthy or toxic or for any reason harmful substances should be kept in good repair at all times;
- (e) all appropriate and practicable measures should be taken to protect workers against risks such as those resulting from knocking over, spilling, emanation or splashing of substances which are obnoxious, unhealthy or toxic or for any reason harmful;
- (f) it should be forbidden to smoke, eat, drink or put on make-up when toxic or for any reason harmful substances are handled: food, drink, tobacco or make-up used by workers should not be exposed to contamination from such substances.

53. Receptacles containing dangerous substances should bear:

- (a) a danger symbol which is in accordance with recognised international standards, and, where necessary, defines the nature of the risk;
- (b) the name of the substance or an indication to identify it; and
- (c) as far as possible the essential instructions giving details of the first aid that should be administered if the substance should injure health or cause bodily injury.

54. (1) When, despite the measures taken in pursuance of Paragraphs 51 and 52, operations being performed are exceptionally dirty, or involve processes or techniques or the use or handling of substances that are unhealthy, toxic or for any reason harmful, then, depending on the extent and nature of the risks, workers should be adequately protected by protective clothing or such other personal protective equipment or devices as may be necessary.

(2) Such clothing, equipment and devices should include, for example, one or more of the following, depending on the nature of the operation: coats, overalls, aprons, goggles, gloves, hats, helmets, masks, footwear, barrier creams and special powders.

(3) If necessary the competent authority should fix minimum standards of efficiency for personal protective equipment and devices.

(4) Wherever special public health measures or the protection of workers' health necessitate the wearing of protective clothing and other personal protective equipment or devices at work, this clothing and equipment should be supplied, cleaned and maintained at the employer's expense.

55. Where the use of personal protective equipment or devices does not entirely eliminate the effect of substances, processes or techniques which are unhealthy or toxic or for any reason harmful, the competent authority should recommend, if necessary, that additional preventive measures be taken.

56. (1) Where necessary a minimum age for employment in work involving such substances, processes and techniques should be laid down by the competent authority.

(2) The competent authority should prescribe medical examinations (initial and periodical) for workers exposed to the effects of substances which are unhealthy or toxic or for any reason harmful.

XV. Noise and vibration

57. (1) Noise (including sound emissions) and vibrations likely to have harmful effects on workers should be reduced as far as possible by appropriate and practicable measures.

(2) Particular attention should be paid:

- (a) to the substantial reduction of noise and vibrations caused by machinery and sound-producing equipment and devices;
- (b) to the enclosure or isolation of sources of noise or vibrations which cannot be reduced;
- (c) to the reduction of intensity and duration of sound emissions, including musical emissions; and
- (d) to the provision of sound-insulating equipment, where appropriate, to keep the noise of workshops, lifts, conveyors or the street away from offices.

58. If the measures referred to in subparagraph (2) of Paragraph 57 prove to be insufficient to eliminate harmful effects adequately:

- (a) workers should be supplied with suitable ear protectors when they are exposed to sound emissions likely to produce harmful effects;
- (b) workers exposed to sound emissions and vibrations likely to produce harmful effects should be granted regular breaks included in the working hours in premises free of such sound emissions and vibrations;
- (c) systems of work distribution or rotation of jobs should be applied where necessary.

XVI. Methods and pace of work

59. Work methods should as far as possible be adapted to the requirements of hygiene and to the physical and mental health and comfort of workers.

60. Appropriate measures should be taken, among others, to ensure that the mechanisation of operations or methods of accelerating them do not impose a work rate likely, because of the concentrated attention or rapid movements required, to produce harmful effects on workers, in particular, physical fatigue or nervous fatigue which causes medically recognisable disorders.

61. Where the conditions of work make it necessary, the competent authority should fix a minimum age for employment in the operations referred to in Paragraph 60.

62. In order to prevent harmful effects or to limit them to the greatest possible extent, there should be breaks included in the working hours or, where possible, systems of work distribution or rotation of jobs.

XVII. First aid

63. Every establishment, institution or administrative service, or department thereof, to which this Recommendation applies should, having regard to its size and the possible risk:

- (a) maintain its own dispensary or first-aid post; or
- (b) maintain a dispensary or first-aid post jointly with other establishments, institutions or administrative services, or departments thereof; or
- (c) have one or more first-aid cupboards, boxes or kits.

64. (1) The equipment of the dispensaries, and first-aid posts, cupboards, boxes or kits referred to in Paragraph 63 should be determined by the competent authority having regard to the number of workers and the nature of the risks.

(2) The contents of first-aid cupboards, boxes or kits should be kept in an aseptic condition and properly maintained, and should be checked at least once every month. These cupboards, boxes or kits should be restocked at such times or, where necessary, immediately after use.

(3) Each first-aid cupboard, box or kit should contain simple and clear instructions regarding the first aid to be given in emergency cases and indicating clearly the name of the person designated in conformity with Paragraph 65; all its contents should be carefully labelled.

65. Dispensaries and first-aid posts, cupboards, boxes or kits should at all times be readily accessible and easy to find and should be under the charge of a designated person able, as prescribed by the competent authority, to give first aid.

XVIII. Mess rooms

66. In cases to be determined by the competent authority, mess rooms should be provided for workers.

67. (1) Mess rooms should be provided with sufficient seats and tables.

(2) Within or in the immediate vicinity of mess rooms arrangements for heating meals, cool drinking water and hot water should be available.

(3) Covered waste bins should be provided.

68. (1) Mess rooms should be separate from any place in which there is exposure to toxic substances.

(2) The wearing of contaminated work clothing in mess rooms should be forbidden.

XIX. Rest rooms

69. (1) Where alternative facilities are not available for workers to take temporary rest during working hours, a rest room should be provided, where this is desirable, having regard to the nature of the work and any other relevant conditions and circumstances. In particular, rest rooms should be provided to meet the needs of women workers; of workers engaged on particularly arduous or special work requiring temporary rest during working hours; or of workers employed on broken shifts.

(2) National laws or regulations should, where appropriate, empower the competent authority to require the provision of rest rooms in cases in which this is considered desirable by the competent authority owing to the conditions and circumstances of employment.

70. The facilities so provided should include at least:

- (a) a room in which provision suited to the climate is made for relieving discomfort from cold or heat;
- (b) adequate ventilation and lighting;
- (c) suitable seating facilities in sufficient numbers.

XX. Planning and construction

71. The plans of new buildings designed for use as establishments, institutions and administrative services, or departments thereof, to which this Recommendation applies, and of new installations designed for such use in existing buildings where substantial alterations are to be made, should conform to the greatest possible extent to the provisions of this Recommendation and should, in cases prescribed by national laws or regulations, be submitted for prior approval to the competent authority.

72. The plans should contain sufficient information concerning in particular:

- (a) the location of workplaces, movement areas, ordinary and emergency exits and sanitary facilities;
- (b) the dimensions of workplaces and of emergency exits, doors and windows, with details of the height of window sills;
- (c) the type of floors, walls and ceilings;
- (d) machinery and installations which may emit heat, vapour, gases, dust, odours, light, noise or vibrations in quantities likely to affect adversely the health, safety or comfort of workers, together with the measures proposed to combat such agents;
- (e) the type of heating and lighting used;
- (f) any mechanical ventilation equipment;
- (g) any sound-proofing, damp-proofing and temperature control measures.

73. The competent authority should grant reasonable time limits for any changes that it might require in order to make establishments, institutions and administrative services, or departments thereof, to which this Recommendation applies conform to the provisions of this Recommendation.

74. As far as possible, floors should be so constructed and covered, and walls, ceilings and equipment should be so constructed as not to present any health risks.

75. Adequate means of escape should be provided and properly maintained.

XXI. Measures against the spread of diseases

76. (1) Measures should be taken to prevent the spread of transmissible diseases among persons working within any establishment, institution or administrative service, or department thereof, to which this Recommendation applies, and between workers and the public.

(2) Such measures should include, in particular:

- (a) collective or individual technical and medical preventive measures, including the prevention of infectious diseases and action against insects, rodents and other noxious animals;
- (b) medical supervisory measures.

XXII. Instruction in hygiene measures

77. Measures should be taken to give workers and employers the necessary elementary understanding of the hygiene measures which the workers may be required to take during working hours.

78. (1) Workers should be informed in particular of:

- (a) the health risks inherent in any harmful substances which they may be required to handle or employ, even if these products are little used in the establishment concerned;
- (b) the need to make good use of equipment and devices provided for hygiene and protection.

(2) If full information on hygiene cannot be given in a language understood by the workers, they should at least be informed in such a language of the meaning of important terms, expressions and symbols.

XXIII. Co-operation in the field of hygiene

79. (1) The competent authority, employers and workers should establish mutual contacts, in order to ensure the hygiene of workers in connection with their work.

(2) The competent authority, in giving effect to the provisions of this Recommendation, should consult with the representative organisations of employers and workers concerned, or, where such do not exist, the representatives of employers and workers concerned.

80. (1) The competent authority should encourage and, if necessary, itself undertake the study of any measures designed to ensure the hygiene of workers in connection with their work.

(2) The competent authority should give wide circulation to any documentation on means of ensuring the hygiene of workers in connection with their work.

(3) Full information and advice on all subjects dealt with in this Recommendation should be available from the competent authority.

81. (1) In establishments, institutions or administrative services, or departments thereof, in respect of which the competent authority deems it desirable having regard to the possible degree of risk, at least one delegate or official for matters of hygiene should be designated.

(2) Hygiene delegates or officials should co-operate closely with employers and workers in eliminating risks to workers' health and to this end should, in particular, keep in touch with employers' and workers' representatives.

(3) In establishments, institutions or administrative services in respect of which the competent authority deems it desirable having regard to the possible degree of risk, a hygiene committee should be set up.

(4) Hygiene committees should endeavour, in particular, to eliminate risks to the health of workers.

82. The competent authority, in collaboration with employers and workers concerned or their representative organisations, should carry out investigations with a view to assembling information regarding diseases likely to arise from work and to perfecting measures to eliminate the causes and conditions which give rise to these diseases.

XXIV. Enforcement

83. Appropriate measures should be taken, by adequate inspection or other means, to ensure the proper application of laws, regulations or other provisions concerning hygiene.

84. Where it is appropriate to the manner in which effect is given to this Recommendation, the necessary measures in the form of penalties should be taken to ensure the enforcement of its provisions.

Safety and Health in Construction Convention, 1988 (No. 167)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 Jan 1991	Geneva, ILC 75th Session (20 June 1988)	25

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-fifth Session on 1 June 1988, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Safety Provisions (Building) Convention and Recommendation, 1937, the Co-operation in Accident Prevention (Building) Recommendation, 1937, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Maximum Weight Convention and Recommendation, 1967, the Occupational Cancer Convention and Recommendation, 1974, the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, the Asbestos Convention and Recommendation, 1986, and the list of occupational diseases as revised in 1980 appended to the Employment Injury Benefits Convention, 1964, and

Having decided upon the adoption of certain proposals with regard to safety and health in construction, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Safety Provisions (Building) Convention, 1937,

adopts this twentieth day of June of the year one thousand nine hundred and eighty-eight the following Convention, which may be cited as the Safety and Health in Construction Convention, 1988:

I. Scope and definitions

Article 1

1. This Convention applies to all construction activities, namely building, civil engineering, and erection and dismantling work, including any process, operation or transport on a construction site, from the preparation of the site to the completion of the project.

2. A Member ratifying this Convention may, after consultation with the most representative organisations of employers and workers concerned, where they exist, exclude from the application of the Convention, or certain provisions thereof, particular branches of economic activity or particular undertakings in respect of which special problems of a substantial nature arise, on condition that a safe and healthy working environment is maintained.

3. This Convention also applies to such self-employed persons as may be specified by national laws or regulations.

Article 2

For the purpose of this Convention:

- (a) The term **construction** covers:
 - (i) building, including excavation and the construction, structural alteration, renovation, repair, maintenance (including cleaning and painting) and demolition of all types of buildings or structures;
 - (ii) civil engineering, including excavation and the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges, tunnels, viaducts and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies;
 - (iii) the erection and dismantling of prefabricated buildings and structures, as well as the manufacturing of prefabricated elements on the construction site;
- (b) the term **construction site** means any site at which any of the processes or operations described in subparagraph (a) above are carried on;
- (c) the term **workplace** means all places where workers need to be or to go by reason of their work and which are under the control of an employer as defined in subparagraph (e) below;
- (d) the term **worker** means any person engaged in construction;
- (e) the term **employer** means:
 - (i) any physical or legal person who employs one or more workers on a construction site; and
 - (ii) as the context requires, the principal contractor, the contractor or the subcontractor;
- (f) the term **competent person** means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill for the safe performance of the specific work. The competent authorities may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them;
- (g) the term **scaffold** means any temporary structure, fixed, suspended or mobile, and its supporting components which is used for supporting workers and materials or to gain access to any such structure, and which is not a “lifting appliance” as defined in subparagraph (h) below;
- (h) the term **lifting appliance** means any stationary or mobile appliance used for raising or lowering persons or loads;
- (i) the term **lifting gear** means any gear or tackle by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load.

II. General provisions

Article 3

The most representative organisations of employers and workers concerned shall be consulted on the measures to be taken to give effect to the provisions of this Convention.

Article 4

Each Member which ratifies this Convention undertakes that it will, on the basis of an assessment of the safety and health hazards involved, adopt and maintain in force laws or regulations which ensure the application of the provisions of the Convention.

Article 5

1. The laws and regulations adopted in pursuance of Article 4 above may provide for their practical application through technical standards or codes of practice, or by other appropriate methods consistent with national conditions and practice.

2. In giving effect to Article 4 above and to paragraph 1 of this Article, each Member shall have due regard to the relevant standards adopted by recognised international organisations in the field of standardisation.

Article 6

Measures shall be taken to ensure that there is co-operation between employers and workers, in accordance with arrangements to be defined by national laws or regulations, in order to promote safety and health at construction sites.

Article 7

National laws or regulations shall require that employers and self-employed persons have a duty to comply with the prescribed safety and health measures at the workplace.

Article 8

1. Whenever two or more employers undertake activities simultaneously at one construction site:

- (a) the principal contractor, or other person or body with actual control over or primary responsibility for overall construction site activities, shall be responsible for co-ordinating the prescribed safety and health measures and, in so far as is compatible with national laws and regulations, for ensuring compliance with such measures;
- (b) in so far as is compatible with national laws and regulations, where the principal contractor, or other person or body with actual control over or primary responsibility for overall construction site activities, is not present at the site, he shall nominate a competent person or body at the site with the authority and means necessary to ensure on his behalf co-ordination and compliance with the measures, as foreseen in subparagraph (a) above;
- (c) each employer shall remain responsible for the application of the prescribed measures in respect of the workers placed under his authority.

2. Whenever employers or self-employed persons undertake activities simultaneously at one construction site they shall have the duty to co-operate in the application of the prescribed safety and health measures, as may be specified by national laws or regulations.

Article 9

Those concerned with the design and planning of a construction project shall take into account the safety and health of the construction workers in accordance with national laws, regulations and practice.

Article 10

National laws or regulations shall provide that workers shall have the right and the duty at any workplace to participate in ensuring safe working conditions to the extent of their control over the equipment and methods of work and to express views on the working procedures adopted as they may affect safety and health.

Article 11

National laws or regulations shall provide that workers shall have the duty to-

- (a) co-operate as closely as possible with their employer in the application of the prescribed safety and health measures;
- (b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work;
- (c) use facilities placed at their disposal and not misuse anything provided for their own protection or the protection of others;
- (d) report forthwith to their immediate supervisor, and to the workers' safety representative where one exists, any situation which they believe could present a risk, and which they cannot properly deal with themselves;
- (e) comply with the prescribed safety and health measures.

Article 12

1. National laws or regulations shall provide that a worker shall have the right to remove himself from danger when he has good reason to believe that there is an imminent and serious danger to his safety or health, and the duty so to inform his supervisor immediately.

2. Where there is an imminent danger to the safety of workers the employer shall take immediate steps to stop the operation and evacuate workers as appropriate.

III. Preventive and protective measures*Safety of workplaces**Article 13*

1. All appropriate precautions shall be taken to ensure that all workplaces are safe and without risk of injury to the safety and health of workers.

2. Safe means of access to and egress from all workplaces shall be provided and maintained, and indicated where appropriate.

3. All appropriate precautions shall be taken to protect persons present at or in the vicinity of a construction site from all risks which may arise from such site.

*Scaffolds and ladders**Article 14*

1. Where work cannot safely be done on or from the ground or from part of a building or other permanent structure, a safe and suitable scaffold shall be provided and maintained, or other equally safe and suitable provision shall be made.

2. In the absence of alternative safe means of access to elevated working places, suitable and sound ladders shall be provided. They shall be properly secured against inadvertent movement.

3. All scaffolds and ladders shall be constructed and used in accordance with national laws and regulations.

4. Scaffolds shall be inspected by a competent person in such cases and at such times as shall be prescribed by national laws or regulations.

Lifting appliances and gear

Article 15

1. Every lifting appliance and item of lifting gear, including their constituent elements, attachments, anchorages and supports, shall:

- (a) be of good design and construction, sound material and adequate strength for the purpose for which they are used;
- (b) be properly installed and used;
- (c) be maintained in good working order;
- (d) be examined and tested by a competent person at such times and in such cases as shall be prescribed by national laws or regulations; the results of these examinations and tests shall be recorded;
- (e) be operated by workers who have received appropriate training in accordance with national laws and regulations.

2. No person shall be raised, lowered or carried by a lifting appliance unless it is constructed, installed and used for that purpose in accordance with national laws and regulations, except in an emergency situation in which serious personal injury or fatality may occur, and for which the lifting appliance can be safely used.

Transport, earth-moving and materials-handling equipment

Article 16

1. All vehicles and earth-moving or materials-handling equipment shall:

- (a) be of good design and construction taking into account as far as possible ergonomic principles;
- (b) be maintained in good working order;
- (c) be properly used;
- (d) be operated by workers who have received appropriate training in accordance with national laws and regulations.

2. On all construction sites on which vehicles, earth-moving or materials-handling equipment are used:

- (a) safe and suitable access ways shall be provided for them; and
- (b) traffic shall be so organised and controlled as to secure their safe operation.

Plant, machinery, equipment and hand tools

Article 17

1. Plant, machinery and equipment, including hand tools, both manual and power driven, shall:

- (a) be of good design and construction, taking into account as far as possible ergonomic principles;
- (b) be maintained in good working order;
- (c) be used only for work for which they have been designed unless a use outside the initial design purposes has been assessed by a competent person who has concluded that such use is safe;
- (d) be operated by workers who have received appropriate training.

2. Adequate instructions for safe use shall be provided where appropriate by the manufacturer or the employer, in a form understood by the users.

3. Pressure plant and equipment shall be examined and tested by a competent person in cases and at times prescribed by national laws or regulations.

Work at heights including roofwork

Article 18

1. Where necessary to guard against danger, or where the height of a structure or its slope exceeds that prescribed by national laws or regulations, preventive measures shall be taken against the fall of workers and tools or other objects or materials.

2. Where workers are required to work on or near roofs or other places covered with fragile material, through which they are liable to fall, preventive measures shall be taken against their inadvertently stepping on or falling through the fragile material.

Excavations, shafts, earthworks, underground works and tunnels

Article 19

Adequate precautions shall be taken in any excavation, shaft, earthworks, underground works or tunnel-

- (a) by suitable shoring or otherwise to guard against danger to workers from a fall or dislodgement of earth, rock or other material;
- (b) to guard against dangers arising from the fall of persons, materials or objects or the inrush of water into the excavation, shaft, earthworks, underground works or tunnel;
- (c) to secure adequate ventilation at every workplace so as to maintain an atmosphere fit for respiration and to limit any fumes, gases, vapours, dust or other impurities to levels which are not dangerous or injurious to health and are within limits laid down by national laws or regulations;
- (d) to enable the workers to reach safety in the event of fire, or an inrush of water or material;
- (e) to avoid risk to workers arising from possible underground dangers such as the circulation of fluids or the presence of pockets of gas, by undertaking appropriate investigations to locate them.

Cofferdams and caissons

Article 20

1. Every cofferdam and caisson shall be:

- (a) of good construction and suitable and sound material and of adequate strength;
- (b) provided with adequate means for workers to reach safety in the event of an inrush of water or material.

2. The construction, positioning, modification or dismantling of a cofferdam or caisson shall take place only under the immediate supervision of a competent person.

3. Every cofferdam and caisson shall be inspected by a competent person at prescribed intervals.

Work in compressed air

Article 21

1. Work in compressed air shall be carried out only in accordance with measures prescribed by national laws or regulations.

2. Work in compressed air shall be carried out only by workers whose physical aptitude for such work has been established by a medical examination and when a competent person is present to supervise the conduct of the operations.

Structural frames and formwork

Article 22

1. The erection of structural frames and components, formwork, falsework and shoring shall be carried out only under the supervision of a competent person

2. Adequate precautions shall be taken to guard against danger to workers arising from any temporary state of weakness or instability of a structure.

3. Formwork, falsework and shoring shall be so designed, constructed and maintained that it will safely support all loads that may be imposed on it.

Work over water

Article 23

Where work is done over or in close proximity to water there shall be adequate provision for:

- (a) preventing workers from falling into water;
- (b) the rescue of workers in danger of drowning;
- (c) safe and sufficient transport.

Demolition

Article 24

When the demolition of any building or structure might present danger to workers or to the public-

- (a) appropriate precautions, methods and procedures shall be adopted, including those for the disposal of waste or residues, in accordance with national laws or regulations;
- (b) the work shall be planned and undertaken only under the supervision of a competent person.

Lighting

Article 25

Adequate and suitable lighting, including portable lighting where appropriate, shall be provided at every workplace and any other place on the construction site where a worker may have to pass.

Electricity

Article 26

1. All electrical equipment and installations shall be constructed, installed and maintained by a competent person, and so used as to guard against danger.

2. Before construction is commenced and during the progress thereof adequate steps shall be taken to ascertain the presence of and to guard against danger to workers from any live electrical cable or apparatus which is under, over or on the site.

3. The laying and maintenance of electrical cables and apparatus on construction sites shall be governed by the technical rules and standards applied at the national level.

Explosives

Article 27

Explosives shall not be stored, transported, handled or used except-

- (a) under conditions prescribed by national laws or regulations; and
- (b) by a competent person, who shall take such steps as are necessary to ensure that workers and other persons are not exposed to risk of injury.

Health hazards

Article 28

1. Where a worker is liable to be exposed to any chemical, physical or biological hazard to such an extent as is liable to be dangerous to health, appropriate preventive measures shall be taken against such exposure.

2. The preventive measures referred to in paragraph 1 above shall comprise:

- (a) the replacement of hazardous substances by harmless or less hazardous substances wherever possible; or
- (b) technical measures applied to the plant, machinery, equipment or process; or
- (c) where it is not possible to comply with subparagraphs (a) or (b) above, other effective measures, including the use of personal protective equipment and protective clothing.

3. Where workers are required to enter any area in which a toxic or harmful substance may be present, or in which there may be an oxygen deficiency, or a flammable atmosphere, adequate measures shall be taken to guard against danger.

4. Waste shall not be destroyed or otherwise disposed of on a construction site in a manner which is liable to be injurious to health.

Fire precautions

Article 29

1. The employer shall take all appropriate measures to:

- (a) avoid the risk of fire;
- (b) combat quickly and efficiently any outbreak of fire;
- (c) bring about a quick and safe evacuation of persons.

2. Sufficient and suitable storage shall be provided for flammable liquids, solids and gases.

Personal protective equipment and protective clothing

Article 30

1. Where adequate protection against risk of accident or injury to health, including exposure to adverse conditions, cannot be ensured by other means, suitable personal protective equipment and protective clothing, having regard to the type of work and risks, shall be provided and maintained by the employer, without cost to the workers, as may be prescribed by national laws or regulations.

2. The employer shall provide the workers with the appropriate means to enable them to use the individual protective equipment, and shall ensure its proper use.

3. Protective equipment and protective clothing shall comply with standards set by the competent authority taking into account as far as possible ergonomic principles.

4. Workers shall be required to make proper use of and to take good care of the personal protective equipment and protective clothing provided for their use.

*First aid**Article 31*

The employer shall be responsible for ensuring that first aid, including trained personnel, is available at all times. Arrangements shall be made for ensuring the removal for medical attention of workers who have suffered an accident or sudden illness.

*Welfare**Article 32*

1. At or within reasonable access of every construction site an adequate supply of wholesome drinking water shall be provided.

2. At or within reasonable access of every construction site, the following facilities shall, depending on the number of workers and the duration of the work, be provided and maintained:

- (a) sanitary and washing facilities;
- (b) facilities for changing and for the storage and drying of clothing;
- (c) accommodation for taking meals and for taking shelter during interruption of work due to adverse weather conditions.

3. Men and women workers should be provided with separate sanitary and washing facilities.

*Information and training**Article 33*

Workers shall be adequately and suitably-

- (a) informed of potential safety and health hazards to which they may be exposed at their workplace;
- (b) instructed and trained in the measures available for the prevention and control of, and protection against, those hazards.

*Reporting of accidents and diseases**Article 34*

National laws or regulations shall provide for the reporting to the competent authority within a prescribed time of occupational accidents and diseases.

IV. Implementation*Article 35*

Each Member shall:

- (a) take all necessary measures, including the provision of appropriate penalties and corrective measures, to ensure the effective enforcement of the provisions of the Convention;
- (b) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention and provide these services with the resources necessary for the accomplishment of their task, or satisfy itself that appropriate inspection is carried out.

V. Final provisions*Article 36*

This Convention revises the Safety Provisions (Building) Convention, 1937.

Safety and Health in Construction Recommendation, 1988 (No. 175)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 75th Session (20 June 1988)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-fifth Session on 1 June 1988, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Safety Provisions (Building) Convention and Recommendation, 1937, the Co-operation in Accident Prevention (Building) Recommendation, 1937, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Maximum Weight Convention and Recommendation, 1967, the Occupational Cancer Convention and Recommendation, 1974, the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977, the Occupational Safety and Health Convention and Recommendation, 1985, the Asbestos Convention and Recommendation, 1986, and the list of occupational diseases as revised in 1980 appended to the Employment Injuries Benefits Convention, 1964, and

Having decided upon the adoption of certain proposals with regard to safety and health in construction, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Safety and Health in Construction Convention,

adopts this twentieth day of June of the year one thousand nine hundred and eighty-eight, the following Recommendation, which may be cited as the Safety and Health in Construction Recommendation, 1988:

I. Scope and definitions

1. The provisions of the Safety and Health in Construction Convention, 1988, hereinafter referred to as the Convention and of this Recommendation should be applied in particular to:

- (a) building, civil engineering and the erection and dismantling of prefabricated buildings and structures, as defined in Article 2(a) of the Convention;
- (b) the fabrication and erection of oil rigs, and of offshore installations while under construction on shore.

2. For the purposes of this Recommendation:

- (a) the term **construction** covers:
 - (i) building, including excavation and the construction, structural alteration, renovation, repair, maintenance (including cleaning and painting) and demolition of all types of buildings or structures;
 - (ii) civil engineering, including excavation and the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges, tunnels, viaducts and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies;
 - (iii) the erection and dismantling of prefabricated buildings and structures, as well as the manufacturing of prefabricated elements on the construction site;
- (b) the term **construction site** means any site at which any of the processes or operations described in clause (a) above are carried on;
- (c) the term **workplace** means all places where workers need to be or to go by reason of their work and which are under the control of an employer as defined in clause (f) below;

- (d) the term *worker* means any person engaged in construction;
- (e) the term *workers' representatives* means persons who are recognised as such under national law or practice;
- (f) the term *employer* means:
 - (i) any physical or legal person who employs one or more workers on a construction site; and
 - (ii) as the context requires, the principal contractor, the contractor or the subcontractor;
- (g) the term *competent person* means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill for the safe performance of the specific work. The competent authorities may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them;
- (h) the term *scaffold* means any temporary structure, fixed, suspended or mobile, and its supporting components which is used for supporting workers and materials or to gain access to any such structure, and which is not a "lifting appliance" as defined in clause (i) below;
- (i) the term *lifting appliance* means any stationary or mobile appliance used for raising or lowering persons or loads;
- (j) the term *lifting gear* means any gear or tackle by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load.

3. The provisions of this Recommendation should also apply to such self-employed persons as may be specified by national laws or regulations.

II. General provisions

4. National laws or regulations should require that employers and self-employed persons have a general duty to provide a safe and healthy workplace and to comply with the prescribed safety and health measures.

5. (1) Whenever two or more employers undertake activities at one construction site, they should have the duty to co-operate with one another as well as with any other persons participating in the construction work being undertaken, including the owner or his representative, in order to comply with the prescribed safety and health measures.

(2) Ultimate responsibility for the co-ordination of safety and health measures on the construction site should rest with the principal contractor or such other person as is primarily responsible for the execution of the work.

6. The measures to be taken to ensure that there is organised co-operation between employers and workers to promote safety and health at construction sites should be prescribed by national laws or regulations or by the competent authority. Such measures should include:

- (a) the establishment of safety and health committees representative of employers and workers with such powers and duties as may be prescribed;
- (b) the election or appointment of workers' safety delegates with such powers and duties as may be prescribed;
- (c) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;
- (d) the training of safety delegates and safety committee members.

7. Those concerned with the design and planning of a construction project should take into account the safety and health of the construction workers in accordance with national laws, regulations and practice.

8. The design of construction equipment, tools, protective equipment and other similar equipment should take account of ergonomic principles.

III. Preventive and protective measures

9. Construction work should be planned, prepared and undertaken in such a way that:

- (a) risks liable to arise at the workplace are prevented as soon as possible;
- (b) excessively or unnecessarily strenuous work positions and movements are avoided;
- (c) organisation of work takes into account the safety and health of workers;

- (d) materials and products are used which are suitable from a safety and health point of view;
- (e) working methods are employed which protect workers against the harmful effects of chemical, physical and biological agents.

10. National laws or regulations should provide for the notification to the competent authority of construction sites of such size, duration or characteristics as may be prescribed.

11. Workers should have the right and the duty at any workplace to participate in ensuring safe working conditions to the extent of their control over the equipment and methods of work and to express views on the working procedures adopted as they may affect safety and health.

Safety of workplaces

12. Housekeeping programmes should be established and implemented on construction sites which should include provision for:

- (a) the proper storage of materials and equipment;
- (b) the removal of waste and debris at appropriate intervals.

13. Where workers cannot be protected against falls from heights by any other means:

- (a) adequate safety nets or safety sheets should be erected and maintained; or
- (b) adequate safety harnesses should be provided and used.

14. The employer should provide the workers with the appropriate means to enable them to use individual protective equipment and should ensure its proper use. Protective equipment and protective clothing should comply with standards set by the competent authority, taking into account as far as possible ergonomic principles.

15. (1) The safety of construction machinery and equipment should be examined and tested by type or individually, as appropriate, by a competent person.

(2) National laws and regulations should take into consideration the fact that occupational diseases may be caused by machinery, apparatus and systems which do not take account of ergonomic principles in their design.

Scaffolds

16. Every scaffold and part thereof should be of suitable and sound material and of adequate size and strength for the purpose for which it is used and be maintained in a proper condition.

17. Every scaffold should be properly designed, erected and maintained so as to prevent collapse or accidental displacement when properly used.

18. The working platforms, gangways and stairways of scaffolds should be of such dimensions and so constructed and guarded as to protect persons against falling or being endangered by falling objects.

19. No scaffold should be overloaded or otherwise misused.

20. A scaffold should not be erected, substantially altered or dismantled except by or under the supervision of a competent person.

21. Scaffolds as prescribed by national laws or regulations should be inspected, and the results recorded, by a competent person:

- (a) before being taken into use;
- (b) at periodic intervals thereafter;
- (c) after any alteration, interruption in use, exposure to weather or seismic conditions or any other occurrence likely to have affected their strength or stability.

Lifting appliances and lifting gear

22. National laws or regulations should prescribe the lifting appliances and items of lifting gear which should be examined and tested by a competent person:

- (a) before being taken into use for the first time;
- (b) after erection on a site;

- (c) subsequently at intervals prescribed by such national laws or regulations;
- (d) after any substantial alteration or repair.

23. The results of the examinations and tests of lifting appliances and items of lifting gear carried out in pursuance of Paragraph 22 above should be recorded and, as required, made available to the competent authority and to employers and workers or their representatives.

24. Every lifting appliance having a single safe working load and every item of lifting gear should be clearly marked with its maximum safe working load.

25. Every lifting appliance having a variable safe working load should be fitted with effective means to indicate clearly to the driver each maximum safe working load and the conditions under which it is applicable.

26. A lifting appliance or item of lifting gear should not be loaded beyond its safe working load or loads, except for testing purposes as specified by and under the direction of a competent person.

27. Every lifting appliance and every item of lifting gear should be properly installed so as, inter alia, to provide safe clearance between any moving part and fixed objects, and to ensure the stability of the appliance.

28. Where necessary to guard against danger, no lifting appliance should be used without the provision of suitable signalling arrangements or devices.

29. The drivers and operators of such lifting appliances as are prescribed by national laws or regulations should be:

- (a) of a prescribed minimum age;
- (b) properly trained and qualified.

Transport, earth-moving and materials-handling equipment

30. The drivers and operators of vehicles and of earth-moving or materials-handling equipment should be persons trained and tested as required by national laws or regulations.

31. Adequate signalling or other control arrangements or devices should be provided to guard against danger from the movement of vehicles and earth-moving or materials-handling equipment. Special safety precautions should be taken for vehicles and equipment when manoeuvring backwards.

32. Preventive measures should be taken to avoid the fall of vehicles and earth-moving and materials-handling equipment into excavations or into water.

33. Where appropriate, earth-moving and materials-handling equipment should be fitted with structures designed to protect the operator from being crushed should the machine overturn, and from falling material.

Excavations, shafts, earthworks, underground works and tunnels

34. Shoring or other support for any part of an excavation, shaft, earthworks, underground works or tunnel should not be erected, altered or dismantled except under the supervision of a competent person.

35. (1) Every part of an excavation, shaft, earthworks, underground works and tunnel where persons are employed should be inspected by a competent person at the times and in the cases prescribed by national laws or regulations, and the results recorded.

(2) Work should not be commenced therein until after such an inspection.

Work in compressed air

36. The measures regarding work in compressed air prescribed pursuant to Article 21 of the Convention should include provisions regulating the conditions in which the work is to be carried out, the plant and equipment to be used, the medical supervision and control of workers and the duration of work in compressed air.

37. A person should only be allowed to work in a caisson if it has been inspected by a competent person within such preceding period as is prescribed by national laws or regulations; the results of the inspection should be recorded.

Pile driving

38. All pile-driving equipment should be of good design and construction taking into account as far as possible ergonomic principles, and properly maintained.

39. Pile driving should be carried out only under the supervision of a competent person.

Work over water

40. The provisions regarding work over water prescribed in pursuance of Article 23 of the Convention should include, where appropriate, the provision and use of suitable and adequate:

- (a) fencing, safety nets and safety harnesses;
- (b) life vests, life preservers, manned boats (motor driven if necessary) and lifebuoys;
- (c) protection against such hazards as reptiles and other animals.

Health hazards

41. (1) An information system should be set up by the competent authority, using the results of international scientific research, to provide information for architects, contractors, employers and workers' representatives on the health risks associated with hazardous substances used in the construction industry.

(2) Manufacturers and dealers in products used in the construction industry should provide with the products information on any health risks associated with them and on the precautions to be taken.

(3) In the use of materials that contain hazardous substances and in the removal and disposal of waste, the health of workers and of the public and the preservation of the environment should be safeguarded as prescribed by national laws and regulations.

(4) Dangerous substances should be clearly marked and provided with a label giving their relevant characteristics and instructions on their use. They should be handled under conditions prescribed by national laws and regulations or by the competent authority.

(5) The competent authority should determine which hazardous substances should be prohibited from use in the construction industry.

42. The competent authority should keep records of monitoring of the working environment and assessment of workers' health for a period prescribed by national laws and regulations.

43. The manual lifting of excessive weights which presents a safety and health risk to workers should be avoided by reducing the weight, by the use of mechanical devices or by other means.

44. Whenever new products, equipment and working methods are introduced, special attention should be paid to informing and training workers with respect to their implications for safety and health.

Dangerous atmospheres

45. The measures regarding dangerous atmospheres prescribed pursuant to Article 28, paragraph 3, of the Convention should include prior written authority or permission from a competent person, or any other system by which entry into any area in which a dangerous atmosphere may be present can be effected only after completing specified procedures.

Fire precautions

46. Where necessary to guard against danger, workers should be suitably trained in the action to be taken in the event of fire, including the use of means of escape.

47. Where appropriate suitable visual signs should be provided to indicate clearly the directions of escape in case of fire.

Radiation hazards

48. Stringent safety regulations should be drawn up and enforced by the competent authority with respect to construction workers engaged in the maintenance, renovation, demolition or dismantling of any buildings in which there is a risk of exposure to ionising radiations, in particular in the nuclear power industry.

First aid

49. The manner in which first-aid facilities and personnel are to be provided in pursuance of Article 31 of the Convention should be prescribed by national laws or regulations drawn up after consulting the competent health authority and the most representative organisations of employers and workers concerned.

50. Where the work involves risk of drowning, asphyxiation or electric shock, first-aid personnel should be proficient in the use of resuscitation and other life-saving techniques and in rescue procedures.

Welfare

51. In appropriate cases, depending on the number of workers, the duration of the work and its location, adequate facilities for obtaining or preparing food and drink at or near a construction site should be provided, if they are not otherwise available.

52. Suitable living accommodation should be made available for the workers at construction sites which are remote from their homes, where adequate transportation between the site and their homes or other suitable living accommodation is not available. Men and women workers should be provided with separate sanitary, washing and sleeping facilities.

IV. Effect on earlier recommendations

53. This Recommendation supersedes the Safety Provisions (Building) Recommendation, 1937, and the Co-operation in Accident Prevention (Building) Recommendation, 1937.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	5 June 1998	Geneva, ILC 82nd Session (22 June 1995)	29

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-Second Session on 6 June 1995, and

Noting the relevant International Labour Conventions and Recommendations and, in particular, the Abolition of Forced Labour Convention, 1957; the Radiation Protection Convention and Recommendation, 1960; the Guarding of Machinery Convention and Recommendation, 1963; the Employment Injury Benefits Convention and Recommendation, 1964; the Minimum Age (Underground Work) Convention and Recommendation, 1965; the Medical Examination of Young Persons (Underground Work) Convention, 1965; the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977; the Occupational Safety and Health Convention and Recommendation, 1981; the Occupational Health Services Convention and Recommendation, 1985; the Asbestos Convention and Recommendation, 1986; the Safety and Health in Construction Convention and Recommendation, 1988; the Chemicals Convention and Recommendation, 1990; and the Prevention of Major Industrial Accidents Convention and Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training and genuine consultation on and participation in the preparation and implementation of safety and health measures concerning the hazards and risks they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health affecting workers or members of the public, or damage to the environment arising from mining operations, and

Having regard to the need for cooperation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and noting the relevant instruments, codes of practice, codes and guidelines issued by these organizations, and

Having decided upon the adoption of certain proposals with regard to safety and health in mines, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-second day of June of the year one thousand nine hundred and ninety-five the following Convention, which may be cited as the Safety and Health in Mines Convention, 1995:

Part I. Definitions

Article 1

1. For the purpose of this Convention, the term *mine* covers:
 - (a) surface or underground sites where the following activities, in particular, take place:
 - (i) exploration for minerals, excluding oil and gas, that involves the mechanical disturbance of the ground;
 - (ii) extraction of minerals, excluding oil and gas;
 - (iii) preparation, including crushing, grinding, concentration or washing of the extracted material; and
 - (b) all machinery, equipment, appliances, plant, buildings and civil engineering structures used in conjunction with the activities referred to in (a) above.
2. For the purpose of this Convention, the term *employer* means any physical or legal person who employs one or more workers in a mine and, as the context requires, the operator, the principal contractor, contractor or subcontractor.

Part II. Scope and means of application

Article 2

1. This Convention applies to all mines.
2. After consultations with the most representative organizations of employers and workers concerned, the competent authority of a Member which ratifies the Convention:
 - (a) may exclude certain categories of mines from the application of the Convention, or certain provisions thereof, if the overall protection afforded at these mines under national law and practice is not inferior to that which would result from the full application of the provisions of the Convention;
 - (b) shall, in the case of exclusion of certain categories of mines pursuant to clause (a) above, make plans for progressively covering all mines.
3. A Member which ratifies the Convention and avails itself of the possibility afforded in paragraph 2(a) above shall indicate, in its reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any particular category of mines thus excluded and the reasons for the exclusion.

Article 3

In the light of national conditions and practice and after consultations with the most representative organizations of employers and workers concerned, the Member shall formulate,

carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of the Convention.

Article 4

1. The measures for ensuring application of the Convention shall be prescribed by national laws and regulations.

2. Where appropriate, these national laws and regulations shall be supplemented by:

- (a) technical standards, guidelines or codes of practice; or
- (b) other means of application consistent with national practice, as identified by the competent authority.

Article 5

1. National laws and regulations pursuant to Article 4, paragraph 1, shall designate the competent authority that is to monitor and regulate the various aspects of safety and health in mines.

2. Such national laws and regulations shall provide for:

- (a) the supervision of safety and health in mines;
- (b) the inspection of mines by inspectors designated for the purpose by the competent authority;
- (c) the procedures for reporting and investigating fatal and serious accidents, dangerous occurrences and mine disasters, each as defined by national laws or regulations;
- (d) the compilation and publication of statistics on accidents, occupational diseases and dangerous occurrences, each as defined by national laws or regulations;
- (e) the power of the competent authority to suspend or restrict mining activities on safety and health grounds, until the condition giving rise to the suspension or restriction has been corrected; and
- (f) the establishment of effective procedures to ensure the implementation of the rights of workers and their representatives to be consulted on matters and to participate in measures relating to safety and health at the workplace.

3. Such national laws and regulations shall provide that the manufacture, storage, transport and use of explosives and initiating devices at the mine shall be carried out by or under the direct supervision of competent and authorized persons.

4. Such national laws and regulations shall specify:

- (a) requirements relating to mine rescue, first aid and appropriate medical facilities;
- (b) an obligation to provide and maintain adequate self-rescue respiratory devices for workers in underground coal mines and, where necessary, in other underground mines;
- (c) protective measures to secure abandoned mine workings so as to eliminate or minimize risks to safety and health;
- (d) requirements for the safe storage, transportation and disposal of hazardous substances used in the mining process and waste produced at the mine; and
- (e) where appropriate, an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition.

5. Such national laws and regulations shall provide that the employer in charge of the mine shall ensure that appropriate plans of workings are prepared before the start of operation and, in the event of any significant modification, that such plans are brought up to date periodically and kept available at the mine site.

Part III. Preventive and protective measures at the mine

A. Responsibilities of Employers

Article 6

In taking preventive and protective measures under this Part of the Convention the employer shall assess the risk and deal with it in the following order of priority:

- (a) eliminate the risk;
- (b) control the risk at source;
- (c) minimize the risk by means that include the design of safe work systems; and
- (d) in so far as the risk remains, provide for the use of personal protective equipment,

having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence.

Article 7

Employers shall take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control, and in particular:

- (a) ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment, including a communication system, to provide conditions for safe operation and a healthy working environment;
- (b) ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons;
- (c) take steps to maintain the stability of the ground in areas to which persons have access in the context of their work;
- (d) whenever practicable, provide, from every underground workplace, two exits, each of which is connected to separate means of egress to the surface;
- (e) ensure the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the workers may be exposed and to assess their level of exposure;
- (f) ensure adequate ventilation for all underground workings to which access is permitted;
- (g) in respect of zones susceptible to particular hazards, draw up and implement an operating plan and procedures to ensure a safe system of work and the protection of workers;
- (h) take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of fires and explosions; and
- (i) ensure that when there is serious danger to the safety and health of workers, operations are stopped and workers are evacuated to a safe location.

Article 8

The employer shall prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.

Article 9

Where workers are exposed to physical, chemical or biological hazards the employer shall:

- (a) inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures;
- (b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards;
- (c) where adequate protection against risk of accident or injury to health including exposure to adverse conditions cannot be ensured by other means, provide and maintain at no cost

to the worker suitable protective equipment, clothing as necessary and other facilities defined by national laws or regulations; and

- (d) provide workers who have suffered from an injury or illness at the workplace with first aid, appropriate transportation from the workplace and access to appropriate medical facilities.

Article 10

The employer shall ensure that:

- (a) adequate training and retraining programmes and comprehensible instructions are provided for workers, at no cost to them, on safety and health matters as well as on the work assigned;
- (b) in accordance with national laws and regulations, adequate supervision and control are provided on each shift to secure the safe operation of the mine;
- (c) a system is established so that the names of all persons who are underground can be accurately known at any time, as well as their probable location;
- (d) all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated and appropriate remedial action is taken; and
- (e) a report, as specified by national laws and regulations, is made to the competent authority on accidents and dangerous occurrences.

Article 11

On the basis of general principles of occupational health and in accordance with national laws and regulations, the employer shall ensure the provision of regular health surveillance of workers exposed to occupational health hazards specific to mining.

Article 12

Whenever two or more employers undertake activities at the same mine, the employer in charge of the mine shall coordinate the implementation of all measures concerning the safety and health of workers and shall be held primarily responsible for the safety of the operations. This shall not relieve individual employers from responsibility for the implementation of all measures concerning the safety and health of their workers.

B. Rights and duties of workers and their representatives

Article 13

1. Under the national laws and regulations referred to in Article 4, workers shall have the following rights:

- (a) to report accidents, dangerous occurrences and hazards to the employer and to the competent authority;
- (b) to request and obtain, where there is cause for concern on safety and health grounds, inspections and investigations to be conducted by the employer and the competent authority;
- (c) to know and be informed of workplace hazards that may affect their safety or health;
- (d) to obtain information relevant to their safety or health, held by the employer or the competent authority;
- (e) to remove themselves from any location at the mine when circumstances arise which appear, with reasonable justification, to pose a serious danger to their safety or health; and
- (f) to collectively select safety and health representatives.

2. The safety and health representatives referred to in paragraph 1(f) above shall, in accordance with national laws and regulations, have the following rights:

- (a) to represent workers on all aspects of workplace safety and health, including where applicable, the exercise of the rights provided in paragraph 1 above;

- (b) to:
 - (i) participate in inspections and investigations conducted by the employer and by the competent authority at the workplace; and
 - (ii) monitor and investigate safety and health matters;
- (c) to have recourse to advisers and independent experts;
- (d) to consult with the employer in a timely fashion on safety and health matters, including policies and procedures;
- (e) to consult with the competent authority; and
- (f) to receive, relevant to the area for which they have been selected, notice of accidents and dangerous occurrences.

3. Procedures for the exercise of the rights referred to in paragraphs 1 and 2 above shall be specified:

- (a) by national laws and regulations; and
- (b) through consultations between employers and workers and their representatives.

4. National laws and regulations shall ensure that the rights referred to in paragraphs 1 and 2 above can be exercised without discrimination or retaliation.

Article 14

Under national laws and regulations, workers shall have the duty, in accordance with their training:

- (a) to comply with prescribed safety and health measures;
- (b) to take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper care and use of protective clothing, facilities and equipment placed at their disposal for this purpose;
- (c) to report forthwith to their immediate supervisor any situation which they believe could present a risk to their safety or health or that of other persons, and which they cannot properly deal with themselves; and
- (d) to cooperate with the employer to permit compliance with the duties and responsibilities placed on the employer pursuant to the Convention.

C. Cooperation

Article 15

Measures shall be taken, in accordance with national laws and regulations, to encourage cooperation between employers and workers and their representatives to promote safety and health in mines.

Part IV. Implementation

Article 16

The Member shall:

- (a) take all necessary measures, including the provision of appropriate penalties and corrective measures, to ensure the effective enforcement of the provisions of the Convention; and
- (b) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention and provide these services with the resources necessary for the accomplishment of their tasks.

Safety and Health in Mines Recommendation, 1995 (No. 183)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 82nd Session (22 June 1995)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-second Session on 6 June 1995, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Abolition of Forced Labour Convention, 1957; the Radiation Protection Convention and Recommendation, 1960; the Guarding of Machinery Convention and Recommendation, 1963; the Employment Injury Benefits Convention and Recommendation, 1964; the Minimum Age (Underground Work) Convention and Recommendation, 1965; the Medical Examination of Young Persons (Underground Work) Convention, 1965; the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977; the Occupational Safety and Health Convention and Recommendation, 1981; the Occupational Health Services Convention and Recommendation, 1985; the Asbestos Convention and Recommendation, 1986; the Safety and Health in Construction Convention and Recommendation, 1988; the Chemicals Convention and Recommendation, 1990; and the Prevention of Major Industrial Accidents Convention and Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training and genuine consultation on and participation in the preparation and implementation of safety and health measures concerning the hazards and risks they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health affecting workers or members of the public or damage to the environment arising from mining operations, and

Having regard to the need for cooperation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and noting the relevant instruments, codes of practice, codes and guidelines issued by these organizations, and

Having decided upon the adoption of certain proposals with regard to safety and health in mines, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Safety and Health in Mines Convention;

adopts this twenty-second day of June of the year one thousand nine hundred and ninety-five the following Recommendation, which may be cited as the Safety and Health in Mines Recommendation, 1995:

I. General provisions

1. The provisions of this Recommendation supplement those of the Safety and Health in Mines Convention, 1995 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.

2. This Recommendation applies to all mines.

3. (1) In the light of national conditions and practice and after consultation with the most representative organizations of employers and workers concerned, a Member should formulate, carry out and periodically review a coherent policy on safety and health in mines.

(2) The consultations provided for by Article 3 of the Convention should include consultations with the most representative organizations of employers and workers on the effect of the length of working hours, night work and shift work on workers' safety and health. After such consultations, the Member should take the necessary measures in relation to working time and, in particular, to maximum daily working hours and minimum daily rest periods.

4. The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess and advise on the matters dealt with in the Convention and to ensure compliance with national laws and regulations.

5. Measures should be taken to encourage and promote:

- (a) research into and exchange of information on safety and health in mines at the national and international level;
- (b) specific assistance by the competent authority to small mines with a view to:
 - (i) assisting in transfer of technical know-how;
 - (ii) establishing preventive safety and health programmes; and
 - (iii) encouraging cooperation and consultation between employers and workers and their representatives; and
- (c) programmes or systems for the rehabilitation and reintegration of workers who have sustained occupational injuries or illnesses.

6. Requirements relating to the supervision of safety and health in mines pursuant to Article 5, paragraph 2, of the Convention should, where appropriate, include those concerning:

- (a) certification and training;
- (b) inspection of the mine, mining equipment and installations;
- (c) supervision of the handling, transportation, storage and use of explosives and of hazardous substances used or produced in the mining process;
- (d) performance of work on electrical equipment and installations; and
- (e) supervision of workers.

7. Requirements pursuant to Article 5, paragraph 4, of the Convention, could provide that the suppliers of equipment, appliances, hazardous products and substances to the mine should ensure their compliance with national standards on safety and health, label products clearly and provide comprehensible information and instructions.

8. Requirements relating to mine rescue and first aid pursuant to Article 5, paragraph 4(a), of the Convention and to appropriate medical facilities for emergency care could cover:

- (a) organizational arrangements;
- (b) equipment to be provided;
- (c) standards for training;
- (d) training of workers and participation in drills;
- (e) the appropriate number of trained persons to be available;
- (f) an appropriate communication system;
- (g) an effective system to give warning of danger;
- (h) provision and maintenance of means of escape and rescue;
- (i) establishment of a mine rescue team or teams;
- (j) periodic medical assessment of suitability of, and regular training for, the persons on the mine rescue team or teams;
- (k) medical attention and transportation to receive medical attention, both at no cost to workers who have suffered an injury or illness at the workplace;
- (l) coordination with local authorities;
- (m) measures to promote international cooperation in this field.

9. Requirements pursuant to Article 5, paragraph 4(b), of the Convention, could cover the specifications and standards of the type of self-rescuers to be provided and, in particular, in the case of mines susceptible to gas outbursts and other mines where appropriate, the provision of self-contained respiratory devices.

10. National laws and regulations should prescribe measures for the safe use and maintenance of remote control equipment.

11. National laws and regulations should specify that the employer should take appropriate measures for the protection of workers working alone or in isolation.

II. Preventive and protective measures at the mine

12. Employers should undertake hazard assessment and risk analysis and then develop and implement, where appropriate, systems to manage the risk.

13. In order to maintain the stability of the ground, in accordance with Article 7(c) of the Convention, the employer should take all appropriate measures to:

- (a) monitor and control the movement of strata;
- (b) as may be necessary, provide effective support of the roof, sides and floor of the mine workings, except for those areas where the mining methods selected allow for the controlled collapse of the ground;
- (c) monitor and control the sides of surface mines to prevent material from falling or sliding into the pit and endangering workers; and
- (d) ensure that dams, lagoons, tailings and other such impoundments are adequately designed, constructed and controlled to prevent dangers from sliding material or collapse.

14. Pursuant to Article 7(d) of the Convention, separate means of egress should be as independent of each other as possible; arrangements should be made and equipment provided for the safe evacuation of workers in case of danger.

15. Pursuant to Article 7(f) of the Convention, all underground mine workings to which workers have access, and other areas as necessary, should be ventilated in an appropriate manner to maintain an atmosphere:

- (a) in which the risk of explosions is eliminated or minimized;
- (b) in which working conditions are adequate, having regard to the working method being used and the physical demands placed on the workers; and
- (c) that complies with national standards on dusts, gases, radiation and climatic conditions; where national standards do not exist, the employer should give consideration to international standards.

16. The particular hazards referred to in Article 7(g) of the Convention requiring an operating plan and procedures might include:

- (a) mine fires and explosions;
- (b) gas outbursts;
- (c) rockbursts;
- (d) an inrush of water or semi-solids;
- (e) rockfalls;
- (f) susceptibility of areas to seismic movements;
- (g) hazards related to work carried out near dangerous openings or under particularly difficult geological circumstances;
- (h) loss of ventilation.

17. Measures that employers could take pursuant to Article 7(h) of the Convention should include, where applicable, prohibiting persons from carrying underground any item, object or substance which could initiate a fire, explosion or dangerous occurrence.

18. Pursuant to Article 7(i) of the Convention, mine facilities should include, where appropriate, sufficient fireproof and self-contained chambers to provide refuge for workers in the event of an emergency. The self-contained chambers should be easily identifiable and accessible, particularly when visibility is poor.

19. The emergency response plan referred to in Article 8 of the Convention might include:

- (a) effective site emergency plans;
- (b) provision for the cessation of work and evacuation of the workers in an emergency;
- (c) adequate training in emergency procedures and in the use of equipment;
- (d) adequate protection of the public and the environment;
- (e) provision of information to, and consultation with, appropriate bodies and organizations.

20. The hazards referred to in Article 9 of the Convention might include:

- (a) airborne dusts;

- (b) flammable, toxic, noxious and other mine gases;
- (c) fumes and hazardous substances;
- (d) exhaust fumes from diesel engines;
- (e) oxygen deficiency;
- (f) radiation from rock strata, equipment or other sources;
- (g) noise and vibration;
- (h) extreme temperatures;
- (i) high levels of humidity;
- (j) insufficient lighting or ventilation;
- (k) hazards related to work carried out at high altitudes or extreme depths, or in confined spaces;
- (l) hazards associated with manual handling;
- (m) hazards related to mechanical equipment and electrical installations;
- (n) hazards resulting from a combination of any of the above.

21. The measures referred to in Article 9 of the Convention might include:

- (a) technical and organizational measures applied to relevant mining activities, or to the plant, machinery, equipment, appliances or structures;
- (b) where it is not possible to have recourse to the measures referred to in (a) above, other effective measures, including the use of personal protective equipment and protective clothing at no cost to the worker;
- (c) where reproductive health hazards and risks have been identified, training and special technical and organizational measures, including the right to alternative work, where appropriate, without any loss of salary, especially during health risk periods such as pregnancy and breast-feeding;
- (d) regular monitoring and inspection of areas where hazards are present or likely to be present.

22. The types of protective equipment and facilities referred to in Article 9(c) of the Convention could include:

- (a) roll-over and falling object protective structures;
- (b) equipment seat belts and harnesses;
- (c) fully enclosed pressurized cabins;
- (d) self-contained rescue chambers;
- (e) emergency showers and eye wash stations.

23. In implementing Article 10(b) of the Convention, employers should:

- (a) ensure appropriate inspections of each workplace at the mine, and in particular, of the atmosphere, ground conditions, machinery, equipment and appliances therein, including where necessary pre-shift inspections; and
- (b) keep written records of inspections, defects and corrective measures and make such records available at the mine.

24. Where appropriate, the health surveillance referred to in Article 11 of the Convention should, at no cost to the worker and without any discrimination or retaliation whatsoever:

- (a) provide the opportunity to undergo medical examination related to the requirements of the tasks to be performed, prior to or just after commencing employment and thereafter on a continuing basis; and
- (b) provide, where possible, for reintegration or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness.

25. Pursuant to Article 5, paragraph 4(e), of the Convention, employers should, where appropriate, provide and maintain at no cost to the worker:

- (a) sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific;
- (b) adequate facilities for the storage, laundering and drying of clothes;
- (c) adequate supplies of potable drinking-water in suitable places; and
- (d) adequate and hygienic facilities for taking meals.

III. Rights and duties of workers and their representatives

26. Pursuant to Article 13 of the Convention, workers and their safety and health representatives should receive or have access to, where appropriate, information which should include:

- (a) where practicable, notice of any safety or health related visit to the mine by the competent authority;
- (b) reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment;
- (c) copies of orders or instructions issued by the competent authority in respect of safety and health matters;
- (d) reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer;
- (e) information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;
- (f) any other documentation concerning safety and health that the employer is required to maintain;
- (g) immediate notification of accidents and dangerous occurrences; and
- (h) any health studies conducted in respect of hazards present in the workplace.

27. Provisions to be made pursuant to Article 13, paragraph 1(e), of the Convention could include requirements for:

- (a) notification of supervisors and safety and health representatives of the danger referred to in that provision;
- (b) participation by senior representatives of the employer and representatives of the workers in endeavouring to resolve the issue;
- (c) participation, where necessary, by a representative of the competent authority to assist in resolution of the issue;
- (d) non-loss of pay for the worker and, where appropriate, assignment to suitable alternative work;
- (e) notification, to be given to any worker who is requested to perform work in the area concerned, of the fact that another worker has refused to work there and of the reasons therefor.

28. Pursuant to Article 13, paragraph 2, of the Convention, the rights of safety and health representatives should include, where appropriate, the right:

- (a) to appropriate training during working time, without loss of pay, on their rights and functions as safety and health representatives and on safety and health matters;
- (b) of access to appropriate facilities necessary to perform their functions;
- (c) to receive their normal pay for all time spent exercising their rights and performing their functions as safety and health representatives; and
- (d) to assist and advise workers who have removed themselves from a workplace because they believe their safety or health has been endangered.

29. Safety and health representatives should, where appropriate, give reasonable notice to the employer of their intention to monitor or investigate safety and health matters, as provided for in Article 13, paragraph 2(b)(ii), of the Convention.

30. (1) All persons should have a duty to:

- (a) refrain from arbitrarily disconnecting, changing or removing safety devices fitted to machinery, equipment, appliances, tools, plant and buildings; and
- (b) use such safety devices correctly.

(2) Employers should have a duty to provide workers with appropriate training and instructions so as to enable them to comply with the duties described in subparagraph (1) above.

IV. Cooperation

31. Measures to encourage cooperation as provided for in Article 15 of the Convention should include:

- (a) the establishment of cooperative mechanisms such as safety and health committees, with equal representation of employers and workers, and having such powers and functions as may be prescribed, including powers to conduct joint inspections;

- (b) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;
- (c) the training of workers and their safety and health representatives;
- (d) the provision of ongoing safety and health awareness programmes for workers;
- (e) the ongoing exchange of information and experience on safety and health in mines;
- (f) the consultation of workers and their representatives by the employer in establishing safety and health policy and procedures; and
- (g) the inclusion, by the employer, of workers' representatives in the investigation of accidents and dangerous occurrences, as provided in Article 10(d) of the Convention.

V. Other Provisions

32. There should be no discrimination or retaliation against any worker who exercises rights provided by national laws and regulations or agreed upon by the employers, workers and their representatives.

33. Due regard should be given to the possible impact of mining activity on the surrounding environment and on the safety of the public. In particular, this should include the control of subsidence, vibration, fly-rock, harmful contaminants in the water, air or soil, the safe and effective management of waste tips and the rehabilitation of mine sites.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	20 Sep 2003	Geneva, ILC 89th Session (21 June 2001)	15

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 89th Session on 5 June 2001, and

Noting the principles embodied in the relevant international labour Conventions and Recommendations, in particular the Plantations Convention and Recommendation, 1958, the Employment Injury Benefits Convention and Recommendation, 1964, the Labour Inspection (Agriculture) Convention and Recommendation, 1969, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, and the Chemicals Convention and Recommendation, 1990, and

Stressing the need for a coherent approach to agriculture and taking into consideration the wider framework of the principles embodied in other ILO instruments applicable to the sector, in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and

Noting the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy as well as the relevant codes of practice, in particular the code of practice on recording and notification of occupational accidents and diseases, 1996, and the code of practice on safety and health in forestry work, 1998, and

Having decided upon the adoption of certain proposals with regard to safety and health in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-first day of June of the year two thousand and one the following Convention, which may be cited as the Safety and Health in Agriculture Convention, 2001.

I. Scope

Article 1

For the purpose of this Convention the term *agriculture* covers agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking as well as the use and maintenance of machinery, equipment, appliances, tools, and agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking, which are directly related to agricultural production.

Article 2

For the purpose of this Convention the term *agriculture* does not cover:

- (a) subsistence farming;
- (b) industrial processes that use agricultural products as raw material and the related services; and
- (c) the industrial exploitation of forests.

Article 3

1. The competent authority of a Member which ratifies the Convention, after consulting the representative organizations of employers and workers concerned:

- (a) may exclude certain agricultural undertakings or limited categories of workers from the application of this Convention or certain provisions thereof, when special problems of a substantial nature arise; and
- (b) shall, in the case of such exclusions, make plans to cover progressively all undertakings and all categories of workers.

2. Each Member shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any exclusions made in pursuance of paragraph 1(a) of this Article giving the reasons for such exclusion. In subsequent reports, it shall describe the measures taken with a view to extending progressively the provisions of the Convention to the workers concerned.

II. General provisions

Article 4

1. In the light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, Members shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.

2. To this end, national laws and regulations shall:

- (a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;
- (b) specify the rights and duties of employers and workers with respect to occupational safety and health in agriculture; and
- (c) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies for the agricultural sector and define their functions and responsibilities, taking into account their complementarity and national conditions and practices.

3. The designated competent authority shall provide for corrective measures and appropriate penalties in accordance with national laws and regulations, including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent risk to the safety and health of workers, until the conditions giving rise to the suspension or restriction have been corrected.

Article 5

1. Members shall ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.

2. In accordance with national legislation, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services, public institutions, or private institutions under government control, or may associate these services or institutions with the exercise of such functions.

III. Preventive and protective measures

General

Article 6

1. In so far as is compatible with national laws and regulations, the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.

2. National laws and regulations or the competent authority shall provide that whenever in an agricultural workplace two or more employers undertake activities, or whenever one or more employers and one or more self-employed persons undertake activities, they shall cooperate in applying the safety and health requirements. Where appropriate, the competent authority shall prescribe general procedures for this collaboration.

Article 7

In order to comply with the national policy referred to in Article 4 of the Convention, national laws and regulations or the competent authority shall provide, taking into account the size of the undertaking and the nature of its activity, that the employer shall:

- (a) carry out appropriate risk assessments in relation to the safety and health of workers and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all agricultural activities, workplaces, machinery, equipment, chemicals, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards;
- (b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work and the action to be taken for their protection, taking into account their level of education and differences in language; and
- (c) take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and to evacuate workers as appropriate.

Article 8

1. Workers in agriculture shall have the right:
 - (a) to be informed and consulted on safety and health matters including risks from new technologies;
 - (b) to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees; and
 - (c) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions.
2. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to cooperate with employers in order for the latter to comply with their own duties and responsibilities.
3. The procedures for the exercise of the rights and duties referred to in paragraphs 1 and 2 shall be established by national laws and regulations, the competent authority, collective agreements or other appropriate means.
4. Where the provisions of this Convention are implemented as provided for by paragraph 3, there shall be prior consultation with the representative organizations of employers and workers concerned.

*Machinery safety and ergonomics**Article 9*

1. National laws and regulations or the competent authority shall prescribe that machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately installed, maintained and safeguarded.
2. The competent authority shall take measures to ensure that manufacturers, importers and suppliers comply with the standards referred to in paragraph 1 and provide adequate and appropriate information, including hazard warning signs, in the official language or languages of the user country, to the users and, on request, to the competent authority.
3. Employers shall ensure that workers receive and understand the safety and health information supplied by manufacturers, importers and suppliers.

Article 10

National laws and regulations shall prescribe that agricultural machinery and equipment shall:

- (a) only be used for work for which they are designed, unless a use outside of the initial design purpose has been assessed as safe in accordance with national law and practice and, in particular, shall not be used for human transportation, unless designed or adapted so as to carry persons; and
- (b) be operated by trained and competent persons, in accordance with national law and practice.

*Handling and transport of materials**Article 11*

1. The competent authority, after consulting the representative organizations of employers and workers concerned, shall establish safety and health requirements for the handling and transport of materials, particularly on manual handling. Such requirements shall be based on

risk assessment, technical standards and medical opinion, taking account of all the relevant conditions under which the work is performed in accordance with national law and practice.

2. Workers shall not be required or permitted to engage in the manual handling or transport of a load which by reason of its weight or nature is likely to jeopardize their safety or health.

Sound management of chemicals

Article 12

The competent authority shall take measures, in accordance with national law and practice, to ensure that:

- (a) there is an appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging and labelling of chemicals used in agriculture and for their banning or restriction;
- (b) those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to the users in the appropriate official language or languages of the country and, on request, to the competent authority; and
- (c) there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

Article 13

1. National laws and regulations or the competent authority shall ensure that there are preventive and protective measures for the use of chemicals and handling of chemical waste at the level of the undertaking.

2. These measures shall cover, inter alia:

- (a) the preparation, handling, application, storage and transportation of chemicals;
- (b) agricultural activities leading to the dispersion of chemicals;
- (c) the maintenance, repair and cleaning of equipment and containers for chemicals; and
- (d) the disposal of empty containers and the treatment and disposal of chemical waste and obsolete chemicals.

Article 14

National laws and regulations shall ensure that risks such as those of infection, allergy or poisoning are prevented or kept to a minimum when biological agents are handled, and activities involving animals, livestock and stabling areas, comply with national or other recognized health and safety standards.

Agricultural installations

Article 15

The construction, maintenance and repairing of agricultural installations shall be in conformity with national laws, regulations and safety and health requirements.

IV. Other provisions

Young workers and hazardous work

Article 16

1. The minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 applies shall be determined by national laws and regulations or by the competent authority, after consultation with the representative organizations of employers and workers concerned.

3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorize the performance of work referred to in that paragraph as from 16 years of age on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

Temporary and seasonal workers

Article 17

Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture.

Women workers

Article 18

Measures shall be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health.

Welfare and accommodation facilities

Article 19

National laws and regulations or the competent authority shall prescribe, after consultation with the representative organizations of employers and workers concerned:

- (a) the provision of adequate welfare facilities at no cost to the worker; and
- (b) the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

Working time arrangements

Article 20

Hours of work, night work and rest periods for workers in agriculture shall be in accordance with national laws and regulations or collective agreements.

Coverage against occupational injuries and diseases

Article 21

1. In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors.

2. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice.

Safety and Health in Agriculture Recommendation, 2001 (No. 192)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 89th Session (21 June 2001)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 89th Session on 5 June 2001, and

Having decided upon the adoption of certain proposals with regard to safety and health in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Safety and Health in Agriculture Convention, 2001 (hereinafter referred to as “the Convention”);

adopts this twenty-first day of June of the year two thousand and one the following Recommendation, which may be cited as the Safety and Health in Agriculture Recommendation, 2001.

I. General provisions

1. In order to give effect to Article 5 of the Convention, the measures concerning labour inspection in agriculture should be taken in the light of the principles embodied in the Labour Inspection (Agriculture) Convention and Recommendation, 1969.

2. Multinational enterprises should provide adequate safety and health protection for their workers in agriculture in all their establishments, without discrimination and regardless of the place or country in which they are situated, in accordance with national law and practice and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

II. Occupational safety and health surveillance

3. (1) The competent authority designated to implement the national policy referred to in Article 4 of the Convention should, after consulting the representative organizations of employers and workers concerned:

- (a) identify major problems, establish priorities for action, develop effective methods for dealing with them and periodically evaluate the results;
- (b) prescribe measures for the prevention and control of occupational hazards in agriculture:
 - (i) taking into consideration technological progress and knowledge in the field of safety and health, as well as relevant standards, guidelines and codes of practice adopted by recognized national or international organizations;
 - (ii) taking into account the need to protect the general environment from the impact of agricultural activities;
 - (iii) specifying the steps to be taken to prevent or control the risk of work-related endemic diseases for workers in agriculture; and
 - (iv) specifying that no single worker should carry out hazardous work in an isolated or confined area, without an adequate possibility of communication and means of assistance; and
- (c) prepare guidelines for employers and workers.

(2) To give effect to Article 4 of the Convention, the competent authority should:

- (a) adopt provisions for the progressive extension of appropriate occupational health services for workers in agriculture;
- (b) establish procedures for the recording and notification of occupational accidents and diseases in agriculture, in particular for the compilation of statistics, the implementation of the national policy and the development of preventive programmes at the level of the undertaking; and
- (c) promote safety and health in agriculture by means of educational programmes and materials to meet the needs of agricultural employers and workers.

4. (1) To give effect to Article 7 of the Convention, the competent authority should establish a national system for occupational safety and health surveillance which should include both workers' health surveillance and the surveillance of the working environment.

(2) This system should include the necessary risk assessment and, where appropriate, preventive and control measures with respect to, inter alia:

- (a) hazardous chemicals and waste;
- (b) toxic, infectious or allergenic biological agents and waste;
- (c) irritant or toxic vapours;
- (d) hazardous dusts;
- (e) carcinogenic substances or agents;
- (f) noise and vibration;
- (g) extreme temperatures;
- (h) solar ultraviolet radiations;
- (i) transmissible animal diseases;
- (j) contact with wild or poisonous animals;
- (k) the use of machinery and equipment, including personal protective equipment;
- (l) the manual handling or transport of loads;
- (m) intense or sustained physical and mental efforts, work-related stress and inadequate working postures; and
- (n) risks from new technologies.

(3) Health surveillance measures for young workers, pregnant and nursing women and aged workers should be taken, where appropriate.

III. Preventive and protective measures

Risk assessment and management

5. To give effect to Article 7 of the Convention, a set of measures on safety and health at the level of the undertaking should include:

- (a) occupational safety and health services;
- (b) risk assessment and management measures in the following order of priority:
 - (i) elimination of the risk;
 - (ii) control of the risk at the source;
 - (iii) minimization of the risk by such means as the design of safe work systems, the introduction of technical and organizational measures and safe practices, and training; and
 - (iv) in so far as the risk remains, provision and use of personal protective equipment and clothing, at no cost to the worker;
- (c) measures to deal with accidents and emergencies, including first aid and access to appropriate transportation to medical facilities;
- (d) procedures for the recording and notification of accidents and diseases;
- (e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the general environment, from risks which may arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes; and
- (f) measures to ensure that the technology used is adapted to climate, work organization and working practices.

Machinery safety and ergonomics

6. To give effect to Article 9 of the Convention, measures should be taken to ensure the appropriate selection or adaptation of technology, machinery and equipment, including personal protective equipment, taking into account local conditions in user countries and, in particular, ergonomic implications and the effect of climate.

Sound management of chemicals

7. (1) The measures prescribed concerning the sound management of chemicals in agriculture should be taken in the light of the principles of the Chemicals Convention and Recommendation, 1990, and other relevant international technical standards.

(2) In particular, preventive and protective measures to be taken at the level of the undertaking should include:

- (a) adequate personal protective equipment and clothing, and washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment, at no cost to the worker;
- (b) spraying and post-spraying precautions in areas treated with chemicals, including measures to prevent pollution of food, drinking, washing and irrigation water sources;
- (c) handling and disposal of hazardous chemicals which are no longer required, and containers which have been emptied but which may contain residues of hazardous chemicals, in a manner which eliminates or minimizes the risk to safety and health and to the environment, in accordance with national law and practice;
- (d) keeping a register of the application of pesticides used in agriculture; and
- (e) training of agricultural workers on a continuing basis to include, as appropriate, training in the practices and procedures or about hazards and on the precautions to be followed in connection with the use of chemicals at work.

Animal handling and protection against biological risks

8. For the purpose of implementing Article 14 of the Convention, the measures for the handling of biological agents giving rise to risks of infection, allergy or poisoning, and for the handling of animals should comprise the following:

- (a) risk assessment measures in accordance with Paragraph 5, in order to eliminate, prevent or reduce biological risks;
- (b) control and testing of animals, in accordance with veterinary standards and national law and practice, for diseases transmissible to humans;
- (c) protective measures for the handling of animals and, where appropriate, provision of protective equipment and clothing;
- (d) protective measures for the handling of biological agents and, if necessary, provision of appropriate protective equipment and clothing;
- (e) immunization of workers handling animals, as appropriate;
- (f) provision of disinfectants and washing facilities, and the maintenance and cleaning of personal protective equipment and clothing;
- (g) provision of first aid, antidotes or other emergency procedures in case of contact with poisonous animals, insects or plants;
- (h) safety measures for the handling, collection, storage and disposal of manure and waste;
- (i) safety measures for the handling and disposal of carcasses of infected animals, including the cleaning and disinfection of contaminated premises; and
- (j) safety information including warning signs and training for those workers handling animals.

Agricultural installations

9. To give effect to Article 15 of the Convention, the safety and health requirements concerning agricultural installations should specify technical standards for buildings, structures, guardrails, fences and confined spaces.

Welfare and accommodation facilities

10. To give effect to Article 19 of the Convention, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture:

- (a) an adequate supply of safe drinking water;
- (b) facilities for the storage and washing of protective clothing;

- (c) facilities for eating meals, and for nursing children in the workplace where practicable;
- (d) separate sanitary and washing facilities, or separate use thereof, for men and women workers; and
- (e) work-related transportation.

IV. Other provisions

Women workers

11. In order to give effect to Article 18 of the Convention, measures should be taken to ensure assessment of any workplace risks related to the safety and health of pregnant or nursing women, and women's reproductive health.

Self-employed farmers

12. (1) Taking into consideration the views of representative organizations of self-employed farmers, Members should make plans to extend progressively to self-employed farmers the protection afforded by the Convention, as appropriate.

(2) To this end, national laws and regulations should specify the rights and duties of self-employed farmers with respect to safety and health in agriculture.

(3) In the light of national conditions and practice, the views of representative organizations of self-employed farmers should be taken into consideration, as appropriate, in the formulation, implementation and periodic review of the national policy referred to in Article 4 of the Convention.

13. (1) In accordance with national law and practice, measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection afforded by the Convention.

(2) These measures should include:

- (a) provisions for the progressive extension of appropriate occupational health services for self-employed farmers;
- (b) progressive development of procedures for including self-employed farmers in the recording and notification of occupational accidents and diseases; and
- (c) development of guidelines, educational programmes and materials and appropriate advice and training for self-employed farmers covering, inter alia:
 - (i) their safety and health and the safety and health of those working with them concerning work-related hazards, including the risk of musculoskeletal disorders, the selection and use of chemicals and of biological agents, the design of safe work systems and the selection, use and maintenance of personal protective equipment, machinery, tools and appliances; and
 - (ii) the prevention of children from engaging in hazardous activities.

14. Where economic, social and administrative conditions do not permit the inclusion of self-employed farmers and their families in a national or voluntary insurance scheme, measures should be taken by Members for their progressive coverage to the level provided for in Article 21 of the Convention. This could be achieved by means of:

- (a) developing special insurance schemes or funds; or
- (b) adapting existing social security schemes.

15. In giving effect to the above measures concerning self-employed farmers, account should be taken of the special situation of:

- (a) small tenants and sharecroppers;
- (b) small owner-operators;
- (c) persons participating in agricultural collective enterprises, such as members of farmers' cooperatives;
- (d) members of the family as defined in accordance with national law and practice;
- (e) subsistence farmers; and
- (f) other self-employed workers in agriculture, according to national law and practice.

Underground Work (Women) Convention, 1935 (No. 45)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	30 May 1937	Geneva, ILC 19th Session (21 June 1935)	98 Denounced: 28

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the employment of women on underground work in mines of all kinds, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-first day of June of the year one thousand nine hundred and thirty-five, the following Convention, which may be cited as the Underground Work (Women) Convention, 1935:

Article 1

For the purpose of this Convention, the term *mine* includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

Article 2

No female, whatever her age, shall be employed on underground work in any mine.

Article 3

National laws or regulations may exempt from the above prohibition:

- (a) females holding positions of management who do not perform manual work;
- (b) females employed in health and welfare services;
- (c) females who, in the course of their studies, spend a period of training in the underground parts of a mine; and
- (d) any other females who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

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1. Comprehensive standards

Social Security (Minimum Standards) Convention, 1952 (No. 102)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Status: Up-to-date technical instrument	27 Apr 1955	Geneva, ILC 35th Session (28 June 1952)	50

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fifth Session on 4 June 1952, and
Having decided upon the adoption of certain proposals with regard to minimum standards of social security, which are included in the fifth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention, adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-two the following Convention, which may be cited as the Social Security (Minimum Standards) Convention, 1952:

Part I. General provisions

Article 1

1. In this Convention:

- (a) the term *prescribed* means determined by or in virtue of national laws or regulations;
- (b) the term *residence* means ordinary residence in the territory of the Member and the term *resident* means a person ordinarily resident in the territory of the Member;
- (c) the term *wife* means a wife who is maintained by her husband;
- (d) the term *widow* means a woman who was maintained by her husband at the time of his death;
- (e) the term *child* means a child under school-leaving age or under 15 years of age, as may be prescribed;
- (f) the term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

2. In Articles 10, 34 and 49 the term *benefit* means either direct benefit in the form of care or indirect benefit consisting of a reimbursement of the expenses borne by the person concerned.

Article 2

Each Member for which this Convention is in force:

- (a) shall comply with:
 - (i) Part I;
 - (ii) at least three of Parts II, III, IV, V, VI, VII, VIII, IX and X, including at least one of Parts IV, V, VI, IX and X;
 - (iii) the relevant provisions of Parts XI, XII and XIII; and
 - (iv) Part XIV; and
- (b) shall specify in its ratification in respect of which of Parts II to X it accepts the obligations of the Convention.

Article 3

1. A Member whose economy and medical facilities are insufficiently developed may, if and for so long as the competent authority considers necessary, avail itself, by a declaration appended to its ratification, of the temporary exceptions provided for in the following Articles: 9 (d) ; 12 (2); 15 (d); 18 (2); 21 (c); 27 (d) ; 33 (b); 34 (3); 41 (d); 48 (c); 55 (d); and 61 (d).

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in the annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement, in respect of each exception of which it avails itself:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

Article 4

1. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more of Parts II to X not already specified in its ratification.

2. The undertakings referred to in paragraph 1 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

Article 5

Where, for the purpose of compliance with any of the Parts II to X of this Convention which are to be covered by its ratification, a Member is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, the Member shall satisfy itself, before undertaking to comply with any such Part, that the relevant percentage is attained.

Article 6

For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X of this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by national laws or regulations for the persons to be protected:

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention.

Part II. Medical care*Article 7*

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.

Article 8

The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.

Article 9

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees, and also their wives and children; or
- (b) prescribed classes of economically active population, constituting not less than 20 per cent. of all residents, and also their wives and children; or
- (c) prescribed classes of residents, constituting not less than 50 per cent. of all residents; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more, and also their wives and children.

Article 10

1. The benefit shall include at least:

- (a) in case of a morbid condition:
 - (i) general practitioner care, including domiciliary visiting;
 - (ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
 - (iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and
 - (iv) hospitalisation where necessary; and
- (b) in case of pregnancy and confinement and their consequences:
 - (i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
 - (ii) hospitalisation where necessary.

2. The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.

3. The benefit provided in accordance with this Article shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

4. The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Article 11

The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.

Article 12

1. The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.

2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited to 13 weeks in each case.

Part III. Sickness benefit

Article 13

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Part.

Article 14

The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.

Article 15

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 per cent. of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more.

Article 16

1. Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.

Article 17

The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 18

1. The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited:

- (a) to such period that the total number of days for which the sickness benefit is granted in any year is not less than ten times the average number of persons protected in that year; or
- (b) to 13 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

Part IV. Unemployment benefit

Article 19

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following Articles of this Part.

Article 20

The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

Article 21

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees; or
- (b) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (c) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more.

Article 22

1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66

2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67

Article 23

The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 24

1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited:

- (a) where classes of employees are protected, to 13 weeks within a period of 12 months, or
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months.

2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of subparagraph (a) of paragraph 1 shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.

3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.

4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.

Part V. Old-age benefit

Article 25

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.

Article 26

1. The contingency covered shall be survival beyond a prescribed age.
2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to the working ability of elderly persons in the country concerned.
3. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 27

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 per cent. of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more.

Article 28

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67

Article 29

1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.

Article 30

The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.

Part VI. Employment injury benefit

Article 31

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following Articles of this Part.

Article 32

The contingencies covered shall include the following where due to accident or a prescribed disease resulting from employment:

- (a) a morbid condition;
- (b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national laws or regulations;
- (c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
- (d) the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.

Article 33

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees, and, for benefit in respect of death of the breadwinner, also their wives and children; or

- (b) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more, and, for benefit in respect of death of the breadwinner, also their wives and children.

Article 34

1. In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.

2. The medical care shall comprise:

- (a) general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;
- (b) dental care;
- (c) nursing care at home or in hospital or other medical institutions;
- (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and
- (f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.

3. Where a declaration made in virtue of Article 3 is in force, the medical care shall include at least:

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the essential pharmaceutical supplies as prescribed by a medical or other qualified practitioner; and
- (d) hospitalisation where necessary.

4. The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

Article 35

1. The institutions or Government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.

2. National laws or regulations may authorise such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.

Article 36

1. In respect of incapacity for work, total loss of earning capacity likely to be permanent or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity or corresponding loss of faculty.

3. The periodical payment may be commuted for a lump sum:

- (a) where the degree of incapacity is slight; or
- (b) where the competent authority is satisfied that the lump sum will be properly utilised.

Article 37

The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed in the territory of the Member at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.

Article 38

The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of earnings.

Part VII. Family benefit*Article 39*

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.

Article 40

The contingency covered shall be responsibility for the maintenance of children as prescribed.

Article 41

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 per cent. of all residents; or
- (c) all residents whose means during the contingency do not exceed prescribed limits; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more.

Article 42

The benefit shall be:

- (a) a periodical payment granted to any person protected having completed the prescribed qualifying period; or
- (b) the provision to or in respect of children, of food, clothing, housing, holidays or domestic help; or
- (c) a combination of (a) and (b).

Article 43

The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be three months of contribution or employment, or one year of residence, as may be prescribed.

Article 44

The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent:

- (a) 3 per cent. of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; or
- (b) 1.5 per cent. of the said wage, multiplied by the total number of children of all residents.

Article 45

Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.

Part VIII. Maternity benefit

Article 46

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following Articles of this Part.

Article 47

The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations, resulting therefrom.

Article 48

The persons protected shall comprise:

- (a) all women in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees and, for maternity medical benefit, also the wives of men in these classes; or
- (b) all women in prescribed classes of the economically active population, which classes constitute not less than 20 per cent. of all residents, and, for maternity medical benefit, also the wives of men in these classes; or
- (c) where a declaration made in virtue of Article 3 is in force, all women in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more, and, for maternity medical benefit, also the wives of men in these classes.

Article 49

1. In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.

2. The medical care shall include at least:

- (a) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
- (b) hospitalisation where necessary.

3. The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.

4. The institutions or Government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Article 50

In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements

Article 51

The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.

Article 52

The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstention from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.

Part IX. Invalidity benefit*Article 53*

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.

Article 54

The contingency covered shall include inability to engage in any gainful activity, to an extent prescribed, which inability is likely to be permanent or persists after the exhaustion of sickness benefit.

Article 55

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more.

Article 56

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67

Article 57

1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced pension shall be payable in conformity with paragraph 2 of this Article.

Article 58

The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old-age benefit becomes payable.

Part X. Survivors' benefit*Article 59*

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.

Article 60

1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.
2. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 61

The persons protected shall comprise:

- (a) the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees; or
- (b) the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 20 per cent. of all residents; or
- (c) all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more.

Article 62

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67

Article 63

1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least:

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.

Article 64

The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.

Part XI. Standards to be complied with by periodical payments

Article 65

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be:

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
- (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
- (d) a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

10. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 66

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be:

- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

8. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 67

In the case of a periodical payment to which this Article applies:

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 66;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent. the total amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of:
 - (i) Article 15 (b) for Part III;
 - (ii) Article 27 (b) for Part V;
 - (iii) Article 55 (b) for Part IX;
 - (iv) Article 61 (b) for Part X.

Schedule to Part XI. Periodical payments to standard beneficiaries

Part	Contingency	Standard Beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife of pensionable age	40
VI	Employment injury:		
	Incapacity of work	Man with wife and two children	50
	Invalidity	Man with wife and two children	50
	Survivors	Widow with two children	40
VIII	Maternity	Woman	45
IX	Invalidity	Man with wife and two children	40
X	Survivors	Widow with two children	40

Part XII. Equality of treatment of non-national residents*Article 68*

1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.

2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.

Part XIII. Common provisions

Article 69

A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;
- (c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;
- (d) where the person concerned has made a fraudulent claim;
- (e) where the contingency has been caused by a criminal offence committed by the person concerned;
- (f) where the contingency has been caused by the wilful misconduct of the person concerned;
- (g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
- (h) in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;
- (i) in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and
- (j) in the case of survivors' benefit, as long as the widow is living with a man as his wife.

Article 70

1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a Government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.

Article 71

1. The cost of the benefits provided in compliance with this Convention and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member and of the classes of persons protected.

2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent. of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member in compliance with this Convention, except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.

3. The Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention, and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.

Article 72

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention.

Part XIV. Miscellaneous provisions

Article 73

This Convention shall not apply to:

- (a) contingencies which occurred before the coming into force of the relevant Part of the Convention for the Member concerned;
- (b) benefits in contingencies occurring after the coming into force of the relevant Part of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

Article 74

This Convention shall not be regarded as revising any existing Convention.

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

(Editors' Note: Provisions pursuant to Article 75 are contained in Conventions Nos. 121 (Article 29), 128 (Article 45) and 130 (Article 36).)

Article 76

1. Each Member which ratifies this Convention shall include in the annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation:

- (a) full information concerning the laws and regulations by which effect is given to the provisions of the Convention; and
- (b) evidence, conforming in its presentation as closely as is practicable with any suggestions for greater uniformity of presentation made by the Governing Body of the International Labour Office, of compliance with the statistical conditions specified in:
 - (i) Articles 9 (a), (b), (c) or (d); 15 (a), (b) or (d); 21 (a) or (c); 27 (a), (b) or (d); 33 (a) or (b); 41 (a), (b) or (d); 48 (a), (b) or (c); 55 (a), (b) or (d); 61 (a), (b) or (d), as regards the number of persons protected;

- (ii) Articles 44, 65, 66 or 67, as regards the rates of benefit;
- (iii) subparagraph (a) of paragraph 2 of Article 18, as regards duration of sickness benefit;
- (iv) paragraph 2 of Article 24, as regards duration of unemployment benefit; and
- (v) paragraph 2 of Article 71, as regards the proportion of the financial resources constituted by the insurance contributions of employees protected.

2. Each Member which ratifies this Convention shall report to the Director-General of the International Labour Office at appropriate intervals, as requested by the Governing Body, on the position of its law and practice in regard to any of Parts II to X of the Convention not specified in its ratification or in a notification made subsequently in virtue of Article 4.

Article 77

1. This Convention does not apply to seamen or seafishermen; provision for the protection of seamen and seafishermen has been made by the International Labour Conference in the Social Security (Seafarers) Convention, 1946, and the Seafarers' Pensions Convention, 1946.

2. A Member may exclude seamen and seafishermen from the number of employees, of the economically active population or of residents, when calculating the percentage of employees or residents protected in compliance with any of Parts II to X covered by its ratification.

Part XV. Final provisions

Article 78

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

Article 79

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 80

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate:

- (a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention or of any Parts thereof shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 81

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention or of the Parts thereof accepted by the Declaration will be applied in the territory concerned without modification or subject to modifications; when the Declaration indicates that the provisions of the Convention or of certain Parts thereof will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 82

1. A Member which has ratified this Convention may, after the expiration of the ten years from the date on which the Convention first comes into force, denounce the Convention or any one or more of Parts II to X thereof by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce the Convention or any one of Parts II to X thereof at the expiration of each period of ten years under the terms provided for in this Article.

Article 83

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 84

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 85

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 86

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

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 82 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

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

Article 87

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

ANNEX
International standard industrial classification
of all economic activities (Revision 4)*

Division	Description
<i>Section A. Agriculture, Forestry and Fishing</i>	
01	Crop and animal production, hunting and related service activities
02	Forestry and Logging
03	Fishing and aquaculture
<i>Section B. Mining and Quarrying</i>	
05	Mining of coal and lignite
06	Extraction of crude petroleum and natural gas
07	Mining of metal ores
08	Other mining and quarrying
09	Mining support service activities
<i>Section C. Manufacturing</i>	
10	Manufacture of food products
11	Manufacture of beverages
12	Manufacture of tobacco products
13	Manufacture of textiles
14	Manufacture of wearing apparel
15	Manufacture of leather and related products

* Note: In accordance with articles 65(7) and 66(5) of the Convention, its original Annex has been updated with the amended version of the International standard industrial classification of all economic activities (ISIC) Rev. 4, as approved by the Statistical Commission of the UN Economic and Social Council in March 2006 (Statistical Papers, Series M No. 4, Rev. 4 – Full text on <http://unstats.un.org/unsd/cr/registry/isic-4.asp>).

Division	Description
16	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
17	Manufacture of paper and paper products
18	Printing and reproduction of recorded media
19	Manufacture of coke and refined petroleum products
20	Manufacture of chemicals and chemical products
21	Manufacture of pharmaceuticals, medicinal chemical and botanical products
22	Manufacture of rubber and plastics products
23	Manufacture of other non-metallic mineral products
24	Manufacture of basic metals
25	Manufacture of fabricated metal products, except machinery and equipment
26	Manufacture of computer, electronic and optical products
27	Manufacture of electrical equipment
28	Manufacture of machinery and equipment n.e.c.
29	Manufacture of motor vehicles, trailers and semi-trailers
30	Manufacture of other transport equipment
31	Manufacture of furniture
32	Other manufacturing
33	Repair and installation of machinery and equipment
Section D. Electricity, gas, steam and air conditioning supply	
35	Electricity, gas, steam and air conditioning supply
Section E. Water supply; sewerage, waste management and remediation activities	
36	Water collection, treatment and supply
37	Sewerage
38	Waste collection, treatment and disposal activities; materials recovery
39	Remediation activities and other waste management services
Section F. Construction	
41	Construction of buildings
42	Civil engineering
43	Specialized construction activities
Section G. Wholesale and retail trade; repair of motor vehicles and motorcycles	
45	Wholesale and retail trade and repair of motor vehicles and motorcycles
46	Wholesale trade, except of motor vehicles and motorcycles
47	Retail trade, except of motor vehicles and motorcycles
Section H. Transportation and storage	
49	Land transport and transport via pipelines
50	Water transport
51	Air transport
52	Warehousing and support activities for transportation
53	Postal and courier activities
Section I. Accommodation and food service activities	
55	Accommodation
56	Food and beverage service activities
Section J. Information and communication	
58	Publishing activities
59	Motion picture, video and television programme production, sound recording and music publishing activities
60	Programming and broadcasting activities

Division	Description
61	Telecommunications
62	Computer programming, consultancy and related activities
63	Information service activities
Section K. Financial and insurance activities	
64	Financial service activities, except insurance and pension funding
65	Insurance, reinsurance and pension funding, except compulsory social security
66	Activities auxiliary to financial service and insurance activities
Section L. Real estate activities	
68	Real estate activities
Section M. Professional, scientific and technical activities	
69	Legal and accounting activities
70	Activities of head offices; management consultancy activities
71	Architectural and engineering activities; technical testing and analysis
72	Scientific research and development
73	Advertising and market research
74	Other professional, scientific and technical activities
75	Veterinary activities
Section N. Administrative and support service activities	
77	Rental and leasing activities
78	Employment activities
79	Travel agency, tour operator, reservation service and related activities
80	Security and investigation activities
81	Services to buildings and landscape activities
82	Office administrative, office support and other business support activities
Section O. Public administration and defence; compulsory social security	
84	Public administration and defence; compulsory social security
Section P. Education	
85	Education
Section Q. Human health and social work activities	
86	Human health activities
87	Residential care activities
88	Social work activities without accommodation
Section R. Arts, entertainment and recreation	
90	Creative, arts and entertainment activities
91	Libraries, archives, museums and other cultural activities
92	Gambling and betting activities
93	Sports activities and amusement and recreation activities
Section S. Other service activities	
94	Activities of membership organizations
95	Repair of computers and personal and household goods
96	Other personal service activities
Section T. Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	
97	Activities of households as employers of domestic personnel
98	Undifferentiated goods- and services-producing activities of private households for own use
Section U. Activities of extraterritorial organizations and bodies	
99	Activities of extraterritorial organizations and bodies

Income Security Recommendation, 1944 (No. 67)

Status	Adoption
Up-to-date technical instrument	Philadelphia, ILC 26th Session (12 May 1944)

The General Conference of the International Labour Organisation,
 Having been convened at Philadelphia by the Governing Body of the International Labour Office,
 and having met in its Twenty-sixth Session on 20 April 1944, and
 Having decided upon the adoption of certain proposals with regard to income security, which is
 included in the fourth item on the agenda of the Session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twelfth day of May of the year one thousand nine hundred and forty-four, the following
 Recommendation, which may be cited as the Income Security Recommendation, 1944:

Whereas the Atlantic Charter contemplates the fullest collaboration between all nations in the
 economic field with the object of securing for all improved labour standards, economic advancement
 and social security; and

Whereas the Conference of the International Labour Organisation by a resolution adopted on
 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation
 of the International Labour Organisation in its implementation; and

Whereas income security is an essential element in social security; and

Whereas the International Labour Organisation has promoted the development of income
 security:

by the adoption by the International Labour Conference of Conventions and Recommendations
 relating to workmen's compensation for accidents and occupational diseases, sickness insurance,
 provision for maternity, old-age, invalidity, and widows' and orphans' pensions, and provision for
 unemployment,

by the adoption by the First and Second Labour Conferences of American States of the resolu-
 tions constituting the Inter-American Social Insurance Code, by the participation of a delegation of
 the Governing Body in the First Inter-American Conference on Social Security which adopted the
 declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the
 Inter-American Conference on Social Security established as a permanent agency of co-operation
 between social security administrations and institutions acting in concert with the International
 Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of
 social insurance schemes in a number of countries and by other measures; and

Whereas some Members have not taken such steps as are within their competence to promote
 the well-being and development of their people although their need for improved labour standards,
 economic advancement and social security is greatest; and

Whereas it is now highly desirable that such Members take all necessary steps as soon as possible
 to reach the accepted international minimum standards and develop those standards; and

Whereas it is now desirable to take further steps towards the attainment of income security by
 the unification or co-ordination of social insurance schemes, the extension of such schemes to all
 workers and their families, including rural populations and the self-employed, and the elimination
 of inequitable anomalies; and

Whereas the formulation of certain general principles which should be followed by Members of
 the Organisation in developing their income security schemes along these lines on the foundation of
 the existing Conventions and Recommendations, pending the unification and amplification of the
 provisions of the said Conventions and Recommendations, will contribute to this end;

The Conference:

- (a) recommends the Members of the Organisation to apply progressively the following general guiding principles, as rapidly as national conditions allow, in developing their income security schemes with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office from time to time as requested by the Governing Body, concerning the measures taken to give effect to the said general guiding principles;
- (b) calls the attention of the Members of the Organisation to the suggestions for the application of these general guiding principles submitted to the Conference and contained in the Annex to this Recommendation.

Guiding principles

General

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

Social insurance

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involved extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstinence from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim, which results in temporary or permanent incapacity or death.

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

- (a) to collect contributions without incurring disproportionate administrative expenditure; and
- (b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death, under the same conditions as employed persons, as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person should not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

Social assistance

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

ANNEX

Guiding principles accompanied by suggestions for application

(The paragraphs in bold type are the general guiding principles and the subparagraphs are the suggestions for application.)

General

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

I. Social insurance

A. Contingencies covered

Range of contingencies to be covered

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involve extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries. Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

Sickness

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

(1) The necessity for abstention from work should be judged, as a rule, with reference to the previous occupation of the insured person, which he may be expected to resume.

(2) Benefit need not be paid for the first few days of a period of sickness, but if sickness recurs within a few months, a fresh waiting period should not be imposed.

(3) Benefit should preferably be continued until the beneficiary is fit to return to work, dies or becomes an invalid. If, however, it is considered necessary to limit the duration of benefit, the maximum period should not be less than 26 weeks for a single case, and provision should be made for extending the duration of benefit in the case of specified diseases, such as tuberculosis, which often involve lengthy, though curable, sickness: Provided that at the outset of the operation of an insurance scheme it may be necessary to provide for a shorter period than 26 weeks.

Maternity

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

(1) A woman should have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks, and no woman should be permitted to work during the six weeks following her confinement.

(2) During these periods maternity benefit should be payable.

(3) Absence from work for longer periods or on other occasions may be desirable on medical grounds, having regard to the physical condition of the beneficiary and the exigencies of her work; during any such periods sickness benefits should be payable.

(4) The payment of maternity benefit may be made conditional on the utilisation by the beneficiary of health services provided for her and her child.

Invalidity

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

(1) A handicapped person should be expected to engage in any occupation which may reasonably be indicated for him, having regard to his remaining strength and ability, his previous experience, and any facilities for training available to him.

(2) A person for whom such an occupation can be indicated but is not yet available, and a person following a training course, should receive provisional invalidity benefit, training benefit or unemployment benefit, if he is otherwise qualified for it.

(3) A person for whom no such occupation can be indicated should receive invalidity benefit.

(4) Beneficiaries whose permanent inability to engage regularly in any gainful occupation has been confirmed should be allowed to supplement their invalidity benefit by casual earnings of small amount.

(5) Where the rate of invalidity benefit is related to the rate of the previous earnings of the insured person, the right to benefit should be admitted if the handicapped person is not able to earn by ordinary effort as much as one-third of the normal earnings in his previous occupation of able-bodied persons having the same training.

(6) Invalidity benefit should be paid, from the date when sickness benefit ceases, for the whole duration of invalidity, provided that when the beneficiary reaches the age at which old-age benefit may be claimed the latter may be substituted for invalidity benefit.

Old Age

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

(1) The minimum age at which old-age benefit may be claimed should be fixed at not more than sixty-five in the case of men and sixty in the case of women: Provided that a lower age may be fixed for persons who have worked for many years in arduous or unhealthy occupations.

(2) Payment of old-age benefit may, if the basic benefit can be considered sufficient for subsistence, be made conditional on retirement from regular work in any gainful occupation; where such retirement is required, the receipt of casual earnings of relatively small amount should not disqualify for old-age benefit.

Death of breadwinner

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

(1) Survivors' benefits should be paid: (a) to the widow of an insured man; (b) for the children, stepchildren, adopted children and, subject to their previous registration as dependants, illegitimate children of an insured man or of an insured woman who supported the children; and (c) under conditions to be defined by national laws, to an unmarried woman with whom the deceased cohabited.

(2) Widow's benefit should be paid to a widow who has in her care a child for whom child's benefit is payable or who, at her husband's death or later, is an invalid or has attained the minimum age at which old-age benefit may be claimed; a widow who does not fulfil one of these conditions should be paid widow's benefit for a minimum period of several months, and thereafter if she is unemployed until suitable employment can be offered to her, after training if necessary.

(3) Child's benefit should be paid for a child who is under the school-leaving age, or who is under the age of eighteen and is continuing his general or vocational education.

Unemployment

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

(1) Benefit need not be paid for the first few days of a period of unemployment reckoned from the date on which the claim is registered, but if unemployment recurs within a few months, a fresh waiting period should not be imposed.

(2) Benefit should continue to be paid until suitable employment is offered to the insured person.

(3) During an initial period reasonable in the circumstances of the case, only the following should be deemed to be suitable employment:

- (a) employment in the usual occupation of the insured person in a place not involving a change of residence and at the current rate of wages, as fixed by collective agreements where applicable; or
- (b) another employment acceptable to the insured person.

(4) After the expiration of the initial period:

- (a) employment involving a change of occupation may be deemed to be suitable if the employment offered is one which may reasonably be offered to the insured person, having regard to his strength, ability, previous experience and any facilities for training available to him;
- (b) employment involving a change of residence may be deemed to be suitable if suitable accommodation is available in the new place of residence;
- (c) employment under conditions less favourable than the insured person habitually obtained in his usual occupation and district may be deemed to be suitable if the conditions offered conform to the standard generally observed in the occupation and district in which the employment is offered.

Emergency expenses

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

(1) Necessary domestic help should be provided, or benefit paid for hiring it, during the hospitalisation of the mother of dependent children, if she is an insured woman or the wife of an insured man and is not receiving any benefit in lieu of earnings.

(2) A lump sum should be paid at childbirth to insured women and the wives of insured men towards the cost of a layette and similar expenses.

(3) A special supplement should be paid to recipients of invalidity or old-age benefit who need constant attendance.

(4) A lump sum should be paid on the death of an insured person, or of the wife, husband or dependent child of an insured person, towards the cost of burial.

Employment injuries

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim which results in temporary or permanent incapacity or death.

(1) Injuries resulting from employment should be deemed to include accidents occurring on the way to or from the place of employment.

(2) Where compensation for an employment injury is payable, the foregoing provisions should be subject to appropriate modifications as indicated in the following paragraphs.

(3) Any disease which occurs frequently only to persons employed in certain occupations or is a poisoning caused by a substance used in certain occupations, should, if the person suffering from such a disease was engaged in such an occupation, be presumed to be of occupational origin and give rise to compensation.

(4) A list of diseases presumed to be of occupational origin should be established and should be revised from time to time by a simple procedure.

(5) In fixing any minimum period of employment in the occupation required to establish the presumption of occupational origin and any maximum period during which the presumption of occupational origin will remain valid after leaving the employment, regard should be had to the length of time required for the contraction and manifestation of the disease.

(6) Temporary incapacity compensation should be payable under conditions similar to those applicable to the payment of sickness benefit.

(7) Consideration should be given to the possibility of paying compensation from the first day of temporary incapacity if the incapacity lasts longer than the waiting period.

(8) Permanent incapacity compensation should be payable in respect of the loss or reduction of earning capacity by reason of the loss of a member or function or by reason of a chronic condition due to injury or disease.

(9) A person who becomes permanently incapacitated should be expected to resume employment in any occupation which may reasonably be indicated for him, having regard to his remaining strength and ability, his previous experience, and any facilities for training available to him.

(10) If no such employment can be offered, the person should receive compensation for total incapacity on a definitive or provisional basis.

(11) If such employment can be offered, but the sum which the person is able to earn by ordinary effort in the employment is significantly less than that which he would probably have earned had he not suffered the injury or disease, he should receive compensation for partial incapacity proportionate to the difference in earning capacity.

(12) Consideration should be given to the possibility of paying suitable compensation in every case of loss of a member or function or disfigurement, even where no reduction of capacity can be proved.

(13) Persons exposed to the risk of an occupational disease of gradual development should be examined periodically, and those for whom a change of occupation is indicated should be eligible for compensation.

(14) Compensation for permanent incapacity, total or partial, should be paid from the time when temporary incapacity compensation ceases for the whole duration of permanent incapacity.

(15) Persons receiving compensation for permanent partial incapacity should be able to qualify for other benefits under the same conditions as able-bodied persons, where the rates of such benefits are related to the previous earnings of the insured person.

(16) Where the rates of such benefits are not related to the previous earnings of the insured person, a maximum may be fixed for the combined rate of compensation and other benefit.

(17) Survivors' compensation should, subject to the provisions of the following subparagraphs, be paid to the same dependants as could otherwise qualify for survivors' benefits.

(18) A widow should receive compensation for the whole duration of her widowhood.

(19) A child should receive compensation until the age of eighteen, or twenty-one if he is continuing his general or vocational education.

(20) Provision should be made for compensating other members of the family of the deceased who were dependent upon him, without prejudice to the claims of the widow and children.

(21) The survivors of a person permanently incapacitated in the degree of two-thirds or more who dies otherwise than from the effects of an employment injury should be entitled to basic survivors' benefits, whether or not the deceased fulfilled the contribution conditions for such benefit at the time of his death.

B. Persons covered

Range of persons to be covered

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

- (a) **to collect contributions without incurring disproportionate administrative expenditure; and**
- (b) **to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.**

(1) Dependent wives (that is to say, wives who are not employed or self-employed) and dependent children (that is to say, persons who are under the school-leaving age, or who are under the age of eighteen and are continuing their general or vocational education) should be protected in virtue of the insurance of their breadwinners.

Collection of contributions

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

(1) Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

(2) The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

(3) Pending the development of agencies to enforce payment of contributions, provision should be made for enabling self-employed persons to contribute voluntarily, either as individuals or as members of associations.

Administration of benefits

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

Employed persons

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

(1) Persons whose employment is so irregular, or likely to be so short in its total duration, that they are unlikely to qualify for benefit confined to employed persons, may be excluded from insurance for such benefits. Special provision should be made on behalf of persons who ordinarily work for a very short period for the same employer.

(2) Apprentices who receive no remuneration should be insured against employment injuries, and, as from the date at which they would have completed their apprenticeship for their trade, compensation based on the wages current for workers in that trade should become payable.

Self-employed persons

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death under the same conditions as employed persons as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

(1) Members of the employer's family living in his house, other than his dependent wife or dependent children, should be insured against the said contingencies on the basis of either their actual wages or, if these cannot be ascertained, the market value of their services; the employer should be responsible for the payment of contributions in respect of such persons.

(2) Self-employed persons whose earnings are ordinarily so low that they can be presumed to be a merely subsidiary or casual source of income, or that payment of the minimum contribution would be a hardship for them, should be excluded provisionally from insurance and referred for counsel to the employment service or to any special service that may exist for promoting the welfare of the occupational group to which they may belong.

(3) Persons who, after completing the contribution period prescribed as a qualification for invalidity and survivors' benefits, cease to be compulsorily insured, either as employed or as self-employed persons, should be given the option, to be exercised within a limited period, of continuing their insurance under the same conditions as self-employed persons, subject to such modifications as may be prescribed.

C. Benefit rates and contribution conditions

Benefit rates

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

(1) Sickness and unemployment benefits should, in the case of unskilled workers, be not less than 40 per cent. of the previous net earnings of the insured person if he has no dependants, or 60 per cent. thereof if he has a dependent wife or housekeeper for his children; for each of not more than two dependent children, an additional 10 per cent. of such earnings, less the amount of any children's allowances for these children, should be payable.

(2) In the case of workers with high earnings, the foregoing proportions of benefit to previous earnings may be somewhat reduced.

(3) Maternity benefit should in all cases be sufficient for the full and healthy maintenance of the mother and her child; it should be not less than 100 per cent. of the current net wage for female unskilled workers or 75 per cent. of the previous net earnings of the beneficiary, whichever is the greater, but may be reduced by the amount of any child's allowance payable in respect of the child.

(4) Basic invalidity and old-age benefits should be not less than 30 per cent. of the current wage commonly recognised for male unskilled workers in the district in which the beneficiary resides, if the beneficiary has no dependants, or 45 per cent. thereof if he has a dependent wife who would be qualified for widow's benefit or a housekeeper for his children; for each of not more than two dependent children, an additional 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(5) Basic widow's benefit should be not less than 30 per cent. of the current minimum wage commonly recognised for male unskilled workers in the district in which the beneficiary resides; for each of not more than three dependent children, child's benefit at the rate of 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(6) In the case of an orphan, basic child's benefit should be not less than 20 per cent. of the current minimum wage commonly recognised for male unskilled workers, less the amount of any child's allowance payable in respect of the orphan.

(7) A portion of every contribution additional to those paid as a qualification for basic invalidity, old-age and survivors' benefits may be credited to the insured person for the purpose of increasing the benefits provided for in sub-paragraphs (4), (5) and (6).

(8) In every case in which retirement is deferred beyond the minimum age at which old-age benefit could have been claimed, basic old-age benefit should be equitably increased.

(9) Compensation for employment injuries should not be less than two-thirds of the wages lost, or estimated to have been lost, as the result of the injury.

(10) Such compensation should take the form of periodical payments, except in cases in which the competent authority is satisfied that the payment of a lump sum will be more advantageous to the beneficiary.

(11) Periodical payments in respect of permanent incapacity and death should be adjusted currently to significant changes in the wage level in the insured person's previous occupation.

Contribution conditions

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person shall not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

(1) The contribution conditions for sickness, maternity and unemployment benefits may include the requirement that contributions shall have been paid in respect of at least a quarter of a prescribed period, such as two years, completed before the contingency occurs.

(2) The contribution conditions for maternity benefit may include the requirement that the first contribution shall have been paid at least ten months before the expected date of confinement, but even though the contribution conditions are not fulfilled, maternity benefit at the minimum rate should be paid during the period of compulsory abstention from work after confinement, if the claimant's normal status appears, after consideration of the case, to be that of an employed person.

(3) The contribution conditions for basic invalidity, old-age and survivors' benefits may include the requirement that contributions shall have been paid in respect of at least two-fifths of a prescribed period, such as five years, completed before the contingency occurs; payment of contributions in respect of not less than three-quarters of a prescribed period, such as ten years, or of any longer period which has elapsed since entry into insurance, should be recognised as an alternative qualification for benefit.

(4) The contribution conditions for old-age benefit may include the requirement that the first contribution shall have been paid at least five years before the claim for benefit is made.

(5) The right to benefit may be suspended where an insured person wilfully fails to pay any contribution due by him in respect of any period of self-employment or to pay any penalty imposed for late payment of contributions.

(6) The insurance status of an insured person at the date when he becomes entitled to invalidity or old-age benefit should be maintained during the currency of such benefit for the purposes of ensuring him, in the event of recovery from invalidity, as full protection under the scheme as he was entitled to on the occurrence of the invalidity, and of entitling his survivors to survivors' benefits.

D. Distribution of cost

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers, in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

(1) The contribution of an insured person should not exceed such proportion of his earnings taken into account for reckoning benefits as, applied to the estimated average earnings of all persons insured against the same contingencies, would yield a contribution income the probable present value of which would equal the probable present value of the benefits to which they may become entitled (excluding compensation for employment injuries).

(2) In accordance with this principle the contributions of employed persons and self-employed persons for the same benefits may, as a rule, represent the same proportion of their respective earnings.

(3) A minimum absolute rate, based on the minimum rate of earnings which may be deemed to be indicative of substantial gainful work, may be prescribed for the insured person's contribution with respect to benefits the whole or part of which does not vary with the rate of previous earnings.

(4) Employers should be required to contribute, particularly by subsidising the insurance of low-wage earners, not less than half the total cost of benefits confined to employed persons, excluding compensation for employment injuries.

(5) The entire cost of compensation for employment injuries should be contributed by employers.

(6) Consideration should be given to the possibility of applying some method of merit rating in the calculation of contributions in respect of compensation for employment injuries.

(7) The rates of contribution of insured persons and employers should be kept as stable as possible, and for this purpose a stabilisation fund should be constituted.

(8) The cost of benefits which cannot properly be met by contributions should be covered by the community.

(9) Among the elements of cost which may be charged to the community may be mentioned:

- (a) the contribution deficit resulting from bringing persons into insurance when already elderly;
- (b) the contingent liability involved in guaranteeing the payment of basic invalidity, old-age and survivors' benefits and the payment of adequate maternity benefit;
- (c) the liability resulting from the continued payment of unemployment benefit when unemployment persists at an excessive level; and
- (d) subsidies to the insurance of self-employed persons of small means.

E. Administration

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

(1) Social insurance should be administered under the direction of a single authority, subject, in federal countries, to the distribution of legislative competence; this authority should be associated with the authorities administering social assistance, medical care services and employment services in a co-ordinating body for matters of common interest, such as the certification of inability to work or to obtain work.

(2) The unified administration of social insurance should be compatible with the operation of separate insurance schemes, compulsory or voluntary in character, providing supplementary, but not alternative, benefits for certain occupational groups, such as miners and seamen, public officials, the staffs of individual undertakings and members of mutual benefit societies.

(3) The law and regulations relating to social insurance should be drafted in such a way that beneficiaries and contributors can easily understand their rights and duties.

(4) In devising procedures to be followed by beneficiaries and contributors, simplicity should be a primary consideration.

(5) Central and regional advisory councils, representing such bodies as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies, should be established for the purpose of making recommendations for the amendment of the law and administrative methods, and generally of maintaining contact between the administration of social insurance and groups of contributors and beneficiaries.

(6) Employers and workers should be closely associated with the administration of compensation for employment injuries, particularly in connection with the prevention of accidents and occupational diseases and with merit rating.

(7) Claimants should have a right of appeal in case of dispute with the administrative authority concerning such questions as the right to benefit and the rate thereof.

(8) Appeals should preferably be referred to special tribunals, which should include referees who are experts in social insurance law, assisted by assessors, representative of the group to which the claimant belongs, and, where employed persons are concerned, by representatives of employers also.

(9) In any dispute concerning liability to insurance or the rate of contribution, an employed or self-employed person, and, where an employer's contribution is in question, an employer should have a right of appeal.

(10) Provision for uniformity of interpretation should be assured by a superior appeal tribunal.

II. Social assistance

A. Maintenance of children

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

(1) Public subsidies in kind or in cash or in both should be established in order to assure the healthy nurture of children, help to maintain large families, and complete the provision made for children through social insurance.

(2) Where the purpose in view is to assure the healthy nurture of children, subsidies should take the form of such advantages as free or below-cost infants' food and school meals and below-cost dwellings for families with several children.

(3) Where the purpose in view is to help to maintain large families or to complete the provision made for children by subsidies in kind and through social insurance, subsidies should take the form of children's allowances.

(4) Such allowances should be payable, irrespective of the parents' income, according to a prescribed scale, which should represent a substantial contribution to the cost of maintaining a child, should allow for the higher cost of maintaining older children, and should, as a minimum, be granted to all children for whom no provision is made through social insurance.

(5) Society as a whole should accept responsibility for the maintenance of dependent children in so far as parental responsibility for maintaining them cannot be enforced.

B. Maintenance of needy invalids, aged persons and widows

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

(1) The persons who should be entitled to maintenance allowances should include:

- (a) persons belonging to occupational groups, or residing in districts to which social insurance does not yet apply, or has not yet applied for as long as the qualifying period for basic invalidity, old-age or survivors' benefits, as the case may be, and the widows and dependent children of such persons; and
- (b) persons who are already invalids at the time when they would normally enter insurance.

(2) Maintenance allowances should be sufficient for full, long-term maintenance; they should vary with the current cost of living, and may vary as between urban and rural areas.

(3) Maintenance allowances should be paid at the full rate to persons whose other income does not exceed a prescribed level and at reduced rates in other cases.

(4) The provisions of the present Recommendation defining the contingencies in which invalidity, old-age and survivors' benefits should be paid should be applied, in so far as they are relevant, to maintenance allowances.

C. General assistance

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

(1) The range of cases in which the amount of the allowance is entirely discretionary should be gradually narrowed as the result of the improved classification of cases of want and establishment of budgets corresponding to the cost of maintenance in short-term and long-term indigency.

(2) The grant of allowance may be subject to compliance by the recipient with directions given by the authorities administering medical or employment services in order that the assistance may yield its greatest constructive effect.

Social Protection Floors Recommendation, 2012 (No. 202)

Status	Adoption
Up-to-date technical instrumen	Geneva, ILC 101st Session (14 June 2012)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 101st Session on 30 May 2012, and

Reaffirming that the right to social security is a human right, and

Acknowledging that the right to social security is, along with promoting employment, an economic and social necessity for development and progress, and

Recognizing that social security is an important tool to prevent and reduce poverty, inequality, social exclusion and social insecurity, to promote equal opportunity and gender and racial equality, and to support the transition from informal to formal employment, and

Considering that social security is an investment in people that empowers them to adjust to changes in the economy and in the labour market, and that social security systems act as automatic

social and economic stabilizers, help stimulate aggregate demand in times of crisis and beyond, and help support a transition to a more sustainable economy, and

Considering that the prioritization of policies aimed at sustainable long-term growth associated with social inclusion helps overcome extreme poverty and reduces social inequalities and differences within and among regions, and

Recognizing that the transition to formal employment and the establishment of sustainable social security systems are mutually supportive, and

Recalling that the Declaration of Philadelphia recognizes the solemn obligation of the International Labour Organization to contribute to “achiev[ing] ... the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care”, and

Considering the Universal Declaration of Human Rights, in particular Articles 22 and 25, and the International Covenant on Economic, Social and Cultural Rights, in particular Articles 9, 11 and 12, and

Considering also ILO social security standards, in particular the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Income Security Recommendation, 1944 (No. 67), and the Medical Care Recommendation, 1944 (No. 69), and noting that these standards are of continuing relevance and continue to be important references for social security systems, and

Recalling that the ILO Declaration on Social Justice for a Fair Globalization recognizes that “the commitments and efforts of Members and the Organization to implement the ILO’s constitutional mandate, including through international labour standards, and to place full and productive employment and decent work at the centre of economic and social policies, should be based on ... (ii) developing and enhancing measures of social protection ... which are sustainable and adapted to national circumstances, including ... the extension of social security to all”, and

Considering the resolution and Conclusions concerning the recurrent discussion on social protection (social security) adopted by the International Labour Conference at its 100th Session (2011), which recognize the need for a Recommendation complementing existing ILO social security standards and providing guidance to Members in building social protection floors tailored to national circumstances and levels of development, as part of comprehensive social security systems, and

Having decided upon the adoption of certain proposals with regard to social protection floors, which are the subject of the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this fourteenth day of June of the year two thousand and twelve the following Recommendation, which may be cited as the Social Protection Floors Recommendation, 2012.

I. Objectives, scope and principles

1. This Recommendation provides guidance to Members to:

- (a) establish and maintain, as applicable, social protection floors as a fundamental element of their national social security systems; and
- (b) implement social protection floors within strategies for the extension of social security that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards.

2. For the purpose of this Recommendation, social protection floors are nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion.

3. Recognizing the overall and primary responsibility of the State in giving effect to this Recommendation, Members should apply the following principles:

- (a) universality of protection, based on social solidarity;
- (b) entitlement to benefits prescribed by national law;
- (c) adequacy and predictability of benefits;
- (d) non-discrimination, gender equality and responsiveness to special needs;

- (e) social inclusion, including of persons in the informal economy;
- (f) respect for the rights and dignity of people covered by the social security guarantees;
- (g) progressive realization, including by setting targets and time frames;
- (h) solidarity in financing while seeking to achieve an optimal balance between the responsibilities and interests among those who finance and benefit from social security schemes;
- (i) consideration of diversity of methods and approaches, including of financing mechanisms and delivery systems;
- (j) transparent, accountable and sound financial management and administration;
- (k) financial, fiscal and economic sustainability with due regard to social justice and equity;
- (l) coherence with social, economic and employment policies;
- (m) coherence across institutions responsible for delivery of social protection;
- (n) high-quality public services that enhance the delivery of social security systems;
- (o) efficiency and accessibility of complaint and appeal procedures;
- (p) regular monitoring of implementation, and periodic evaluation;
- (q) full respect for collective bargaining and freedom of association for all workers; and
- (r) tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned.

II. National social protection floors

4. Members should, in accordance with national circumstances, establish as quickly as possible and maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level.

5. The social protection floors referred to in Paragraph 4 should comprise at least the following basic social security guarantees:

- (a) access to a nationally defined set of goods and services, constituting essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;
- (b) basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
- (c) basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
- (d) basic income security, at least at a nationally defined minimum level, for older persons.

6. Subject to their existing international obligations, Members should provide the basic social security guarantees referred to in this Recommendation to at least all residents and children, as defined in national laws and regulations.

7. Basic social security guarantees should be established by law. National laws and regulations should specify the range, qualifying conditions and levels of the benefits giving effect to these guarantees. Impartial, transparent, effective, simple, rapid, accessible and inexpensive complaint and appeal procedures should also be specified. Access to complaint and appeal procedures should be free of charge to the applicant. Systems should be in place that enhance compliance with national legal frameworks.

8. When defining the basic social security guarantees, Members should give due consideration to the following:

- (a) persons in need of health care should not face hardship and an increased risk of poverty due to the financial consequences of accessing essential health care. Free prenatal and postnatal medical care for the most vulnerable should also be considered;
- (b) basic income security should allow life in dignity. Nationally defined minimum levels of income may correspond to the monetary value of a set of necessary goods and services, national poverty lines, income thresholds for social assistance or other comparable thresholds established by national law or practice, and may take into account regional differences;

- (c) the levels of basic social security guarantees should be regularly reviewed through a transparent procedure that is established by national laws, regulations or practice, as appropriate; and
- (d) in regard to the establishment and review of the levels of these guarantees, tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned, should be ensured.

9. (1) In providing the basic social security guarantees, Members should consider different approaches with a view to implementing the most effective and efficient combination of benefits and schemes in the national context.

(2) Benefits may include child and family benefits, sickness and health-care benefits, maternity benefits, disability benefits, old-age benefits, survivors' benefits, unemployment benefits and employment guarantees, and employment injury benefits as well as any other social benefits in cash or in kind.

(3) Schemes providing such benefits may include universal benefit schemes, social insurance schemes, social assistance schemes, negative income tax schemes, public employment schemes and employment support schemes.

10. In designing and implementing national social protection floors, Members should:

- (a) combine preventive, promotional and active measures, benefits and social services;
- (b) promote productive economic activity and formal employment through considering policies that include public procurement, government credit provisions, labour inspection, labour market policies and tax incentives, and that promote education, vocational training, productive skills and employability; and
- (c) ensure coordination with other policies that enhance formal employment, income generation, education, literacy, vocational training, skills and employability, that reduce precariousness, and that promote secure work, entrepreneurship and sustainable enterprises within a decent work framework.

11. (1) Members should consider using a variety of different methods to mobilize the necessary resources to ensure financial, fiscal and economic sustainability of national social protection floors, taking into account the contributory capacities of different population groups. Such methods may include, individually or in combination, effective enforcement of tax and contribution obligations, reprioritizing expenditure, or a broader and sufficiently progressive revenue base.

(2) In applying such methods, Members should consider the need to implement measures to prevent fraud, tax evasion and non-payment of contributions.

12. National social protection floors should be financed by national resources. Members whose economic and fiscal capacities are insufficient to implement the guarantees may seek international cooperation and support that complement their own efforts.

III. National strategies for the extension of social security

13. (1) Members should formulate and implement national social security extension strategies, based on national consultations through effective social dialogue and social participation. National strategies should:

- (a) prioritize the implementation of social protection floors as a starting point for countries that do not have a minimum level of social security guarantees, and as a fundamental element of their national social security systems; and
- (b) seek to provide higher levels of protection to as many people as possible, reflecting economic and fiscal capacities of Members, and as soon as possible.

(2) For this purpose, Members should progressively build and maintain comprehensive and adequate social security systems coherent with national policy objectives and seek to coordinate social security policies with other public policies.

14. When formulating and implementing national social security extension strategies, Members should:

- (a) set objectives reflecting national priorities;
- (b) identify gaps in, and barriers to, protection;

- (c) seek to close gaps in protection through appropriate and effectively coordinated schemes, whether contributory or non-contributory, or both, including through the extension of existing contributory schemes to all concerned persons with contributory capacity;
- (d) complement social security with active labour market policies, including vocational training or other measures, as appropriate;
- (e) specify financial requirements and resources as well as the time frame and sequencing for the progressive achievement of the objectives; and
- (f) raise awareness about their social protection floors and their extension strategies, and undertake information programmes, including through social dialogue.

15. Social security extension strategies should apply to persons both in the formal and informal economy and support the growth of formal employment and the reduction of informality, and should be consistent with, and conducive to, the implementation of the social, economic and environmental development plans of Members.

16. Social security extension strategies should ensure support for disadvantaged groups and people with special needs.

17. When building comprehensive social security systems reflecting national objectives, priorities and economic and fiscal capacities, Members should aim to achieve the range and levels of benefits set out in the Social Security (Minimum Standards) Convention, 1952 (No. 102), or in other ILO social security Conventions and Recommendations setting out more advanced standards.

18. Members should consider ratifying, as early as national circumstances allow, the Social Security (Minimum Standards) Convention, 1952 (No. 102). Furthermore, Members should consider ratifying, or giving effect to, as applicable, other ILO social security Conventions and Recommendations setting out more advanced standards.

IV. Monitoring

19. Members should monitor progress in implementing social protection floors and achieving other objectives of national social security extension strategies through appropriate nationally defined mechanisms, including tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned.

20. Members should regularly convene national consultations to assess progress and discuss policies for the further horizontal and vertical extension of social security.

21. For the purpose of Paragraph 19, Members should regularly collect, compile, analyse and publish an appropriate range of social security data, statistics and indicators, disaggregated, in particular, by gender.

22. In developing or revising the concepts, definitions and methodology used in the production of social security data, statistics and indicators, Members should take into consideration relevant guidance provided by the International Labour Organization, in particular, as appropriate, the resolution concerning the development of social security statistics adopted by the Ninth International Conference of Labour Statisticians.

23. Members should establish a legal framework to secure and protect private individual information contained in their social security data systems.

24. (1) Members are encouraged to exchange information, experiences and expertise on social security strategies, policies and practices among themselves and with the International Labour Office.

(2) In implementing this Recommendation, Members may seek technical assistance from the International Labour Organization and other relevant international organizations in accordance with their respective mandates.

Social Insurance (Agriculture) Recommendation, 1921 (No. 17)

Status	Adoption
Instrument with interim status	Geneva, ILC 3rd Session (12 Nov 1921)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Third Session on 25 October 1921, and
 Having decided upon the adoption of a proposal with regard to the protection of agricultural
 workers against sickness, invalidity and old age, which is included in the fourth item of the
 agenda of the Session, and
 Having decided that this proposal shall take the form of a Recommendation,
 adopts the following Recommendation, which may be cited as the Social Insurance (Agriculture)
 Recommendation, 1921, to be submitted to the Members of the International Labour Organisation
 for consideration with a view to effect being given to it by national legislation or otherwise, in
 accordance with the provisions of the Constitution of the International Labour Organisation:

The General Conference of the International Labour Organisation recommends:

That each Member of the International Labour Organisation extend its laws and regulations
 establishing systems of insurance against sickness, invalidity, old age and other similar social risks
 to agricultural wage-earners on conditions equivalent to those prevailing in the case of workers in
 industrial and commercial occupations.

Social Security (Armed Forces) Recommendation, 1944 (No. 68)

Status	Adoption
Technical instrument with interim status	Philadelphia, ILC 26th Session (12 May 1944)

The General Conference of the International Labour Organisation,
 Having been convened at Philadelphia by the Governing Body of the International Labour Office,
 and having met in its Twenty-sixth Session on 20 April 1944, and
 Having decided upon the adoption of certain proposals with regard to income security and med-
 ical care for persons discharged from the armed forces and assimilated services and from war
 employment, which is included in the third item on the agenda of the Session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twelfth day of May of the year one thousand nine hundred and forty-four, the following
 Recommendation, which may be cited as the Social Security (Armed Forces) Recommendation,
 1944:

Whereas persons discharged from the armed forces and assimilated services have been obliged
 to interrupt their careers and will be faced with initial expenditure in re-establishing themselves in
 civil life; and

Whereas persons discharged from the armed forces or assimilated services or from war
 employment may in certain cases remain unemployed for a time before obtaining suitable
 employment; and

Whereas it is undesirable that persons discharged from the armed forces and assimilated services should find themselves at a disadvantage in respect of pension insurance as compared with persons who have remained in civil employment, and the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933, while providing for the maintenance of the rights under pension insurance schemes of persons engaged in military service who were insured before beginning such service, does not provide for the attribution of any rights under such schemes to persons not insured before entering military service; and

Whereas it is desirable that persons discharged from the armed forces and assimilated services should be protected by insurance in respect of sickness occurring between their discharge and their re-establishment in civil life by entry into insurable employment or otherwise; and

Whereas it is necessary to make equitable provision in regard to these matters, without prejudice to the satisfaction of other essential needs, such as those of military and civilian war victims, which must also be a charge on the national income;

The Conference recommends the Members of the Organisation to apply the following principles and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

I. Mustering-out grant

1. Persons discharged from the armed forces and assimilated services should, except in cases in which they have, in virtue of national laws or regulations, continued to receive a substantial part of their remuneration, receive on their discharge a special grant, which may be related to their length of service and should be paid in the form of a lump sum, in the form of periodical payments, or partly in the form of a lump sum and partly in the form of periodical payments.

II. Unemployment insurance and assistance

2. Persons discharged from the armed forces and assimilated services should, so far as is administratively practicable, be treated under unemployment insurance schemes as insured contributors in respect of whom contributions have been paid for a period equal to their period of service. The resulting financial liability should be borne by the State.

3. Where persons discharged from the armed forces and assimilated services or from war employment, as defined by national laws or regulations, exhaust their right to benefit before suitable employment is offered to them, or are not covered by an unemployment insurance scheme, an allowance financed wholly from State funds should be paid until suitable employment is available; the allowance should, if possible, be paid irrespective of need.

III. Pension and sickness insurance

4. (1) Where a compulsory insurance scheme providing pensions in case of invalidity, old age or death and covering a substantial part of the working population is in force, periods of service in the armed forces and assimilated services should be reckoned as contribution periods for the purpose of determining whether any requirement in regard to a minimum qualifying period has been fulfilled.

(2) Where the rate of pension varies with the number of contributions credited to the insured person, the period of service should be taken into account for the purpose of increasing the rate of pension.

(3) Where contributions are graduated according to remuneration, contributions should be credited in respect of periods of service on the basis of a uniform hypothetical remuneration of reasonable amount: Provided that contributions credited to persons insured immediately before beginning their service may be based on the remuneration which they were receiving at the time if such remuneration was higher than the hypothetical remuneration.

(4) Persons discharged from the armed forces and assimilated services should retain, during the period between their discharge and the time at which they can be considered to be re-established in civil life, their rights in respect of the contributions credited to their account; these rights should be maintained for a period of not less than twelve months.

5. (1) Where a compulsory insurance scheme providing sickness, maternity and medical benefits and covering a substantial part of the working population is in force, persons discharged from the armed forces and assimilated services should be entitled to such benefits in respect of sickness or childbirth occurring during the period between their discharge and the time at which they can be considered to be re-established in civil life; these rights should be maintained for a period of not less than twelve months.

(2) Where the compulsory insurance scheme provides maternity and medical benefits for the dependants of insured persons, discharged persons protected by the scheme should be entitled to such benefits for their dependants.

(3) Where the rate of sickness benefits is proportional to the remuneration of the insured person, the rate of benefit payable to discharged persons should be based on a uniform hypothetical remuneration of reasonable amount.

6. (1) The state should bear the liability created by crediting persons serving in the armed forces or assimilated services with pension insurance contributions and insuring them against sickness pending their re-establishment in civil life: Provided that, where the pay of any class of such persons may, having regard to the value of their subsistence and of dependants' allowances, be considered at least equivalent on the whole to the wages prevailing in industry, a portion of the pension insurance contribution may be deducted from their service pay.

(2) The provisions of subparagraph (1) shall not apply in cases where, in virtue of national laws or regulations, such persons continue to receive, during their service, a substantial part of their remuneration, and the normal contributions required by law continue to be payable in respect of them.

2. Protection provided in the different branches of social security

2.1 Medical care and sickness benefit¹

M

Medical Care and Sickness Benefits Convention, 1969 (No. 130)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	27 May 1972	Geneva, ILC 53rd Session (25 June 1969)	15

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4 June 1969, and
 Having decided upon the adoption of certain proposals with regard to the revision of the Sickness Insurance (Industry) Convention, 1927, and the Sickness Insurance (Agriculture) Convention, 1927, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine the following Convention, which may be cited as the Medical Care and Sickness Benefits Convention, 1969:

1. Outdated instruments: Sickness Insurance (Industry) Convention, 1927 (No. 24); Sickness Insurance (Agriculture) Convention, 1927 (No. 25); Sickness Insurance Recommendation, 1927 (No. 29)

Part I. General provisions

Article 1

In this Convention:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *prescribed* means determined by or in virtue of national legislation;
- (c) the term *industrial undertaking* includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas and water; and transport, storage and communication;
- (d) the term *residence* means ordinary residence in the territory of the Member and the term *resident* means a person ordinarily resident in the territory of the Member;
- (e) the term *dependent* refers to a state of dependency which is presumed to exist in prescribed cases;
- (f) the term *wife* means a wife who is dependent on her husband;
- (g) the term *child* covers:
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher: Provided that a Member which has made a declaration under Article 2 may, while such declaration is in force, apply the Convention as if the term covered a child under school-leaving age or under 15 years of age; and
 - (ii) a child under a prescribed age higher than that specified in clause (i) of this subparagraph and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in clause (i) of this subparagraph;
- (h) the term *standard beneficiary* means a man with a wife and two children;
- (i) the term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (j) the term *sickness* means any morbid condition, whatever its cause;
- (k) the term *medical care* includes allied benefits.

Article 2

1. A Member whose economy and medical facilities are insufficiently developed may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in Article 1, subparagraph (g), clause (i); Article 11; Article 14; Article 20; and Article 26, paragraph 2. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

3. Each Member which has made a declaration under paragraph 1 of this Article shall, as appropriate to the terms of such declaration and as circumstances permit:

- (a) increase the number of persons protected;
- (b) extend the range of medical care provided;
- (c) extend the duration of sickness benefit.

Article 3

1. Any Member whose legislation protects employees may, by a declaration accompanying its ratification, temporarily exclude from the application of this Convention the employees in the sector comprising agricultural occupations who, at the time of the ratification, are not yet protected by legislation which is in conformity with the standards of this Convention.

2. Each Member which has made a declaration under paragraph 1 of this Article shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation to what extent effect is given and what effect is proposed to be given to the provisions of the Convention in respect of the employees in the sector comprising agricultural occupations and any progress which may have been made with a view to the application of the Convention to such employees or, where there is no change to report, shall furnish all the appropriate explanations.

3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected in the sector comprising agricultural occupations to the extent and with the speed that the circumstances permit.

Article 4

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention:

- (a) seafarers, including sea fishermen,
- (b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may:

- (a) exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of persons taken into account when calculating the percentages specified in Article 5, subparagraph (c); Article 10, subparagraph (b); Article 11; Article 19, subparagraph (b); and Article 20;
- (b) exclude the persons belonging to the category or categories excluded from the application of the Convention, as well as the wives and children of such persons, from the number of persons taken into account when calculating the percentage specified in Article 10, subparagraph (c).

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

Article 5

Any Member whose legislation protects employees may, as necessary, exclude from the application of this Convention:

- (a) persons whose employment is of a casual nature;
- (b) members of the employer's family living in his house, in respect of their work for him;
- (c) other categories of employees, which shall not exceed in number 10 per cent of all employees other than those excluded under subparagraphs (a) and (b) of this Article.

Article 6

For the purpose of compliance with this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by its legislation at the time of ratification for the persons to be protected:

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial proportion of the persons whose earnings do not exceed those of the skilled manual male employee defined in Article 22, paragraph 6; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the provisions of the Convention.

Article 7

The contingencies covered shall include:

- (a) need for medical care of a curative nature and, under prescribed conditions, need for medical care of a preventive nature;
- (b) incapacity for work resulting from sickness and involving suspension of earnings, as defined by national legislation.

Part II. Medical care

Article 8

Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of medical care of a curative or preventive nature in respect of the contingency referred to in subparagraph (a) of Article 7.

Article 9

The medical care referred to in Article 8 shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

Article 10

The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise:

- (a) all employees, including apprentices, and the wives and children of such employees; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population, and the wives and children of persons in the said classes; or
- (c) prescribed classes of residents constituting not less than 75 per cent of all residents.

Article 11

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise:

- (a) prescribed classes of employees, constituting not less than 25 per cent of all employees, and the wives and children of employees in the said classes; or
- (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings, and the wives and children of employees in the said classes.

Article 12

Persons who are in receipt of a social security benefit for invalidity, old age, death of the breadwinner or unemployment, and, where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions, in respect of the contingency referred to in subparagraph (a) of Article 7.

Article 13

The medical care referred to in Article 8 shall comprise at least:

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners;
- (d) hospitalisation where necessary;
- (e) dental care, as prescribed; and
- (f) medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed.

Article 14

Where a declaration made in virtue of Article 2 is in force, the medical care referred to in Article 8 shall comprise at least:

- (a) general practitioner care, including, wherever possible, domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and, wherever possible, such specialist care as may be available outside hospitals;
- (c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners; and
- (d) hospitalisation where necessary.

Article 15

Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

Article 16

1. The medical care referred to in Article 8 shall be provided throughout the contingency.
2. Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks: Provided that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.
3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care shall be extended for prescribed diseases recognised as entailing prolonged care.

Article 17

Where the legislation of a Member requires the beneficiary or his breadwinner to share in the cost of the medical care referred to in Article 8, the rules concerning such cost sharing shall be so designed as to avoid hardship and not to prejudice the effectiveness of medical and social protection.

Part III. Sickness benefit

Article 18

Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.

Article 19

The persons protected in respect of the contingency specified in subparagraph (b) of Article 7 shall comprise:

- (a) all employees, including apprentices; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 24

Article 20

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (b) of Article 7 shall comprise:

- (a) prescribed classes of employees, constituting not less than 25 per cent of all employees; or
- (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings.

Article 21

The sickness benefit referred to in Article 18 shall be a periodical payment and shall:

- (a) where employees or classes of the economically active population are protected, be calculated in such a manner as to comply either with the requirements of Article 22 or with the requirements of Article 23;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, be calculated in such a manner as to comply with the requirements of Article 24

Article 22

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent of the total of the previous earnings of the beneficiary and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary shall be calculated according to prescribed rules, and, where the persons protected are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be:

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
- (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
- (d) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency referred to in subparagraph (b) of Article 7 in the division comprising the largest number of such persons; for this purpose, the International Standard Industrial Classification of All Economic Activities adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

Article 23

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be:

- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency referred to in subparagraph (b) of Article 7 in the division comprising the largest number

of such persons; for this purpose, the International Standard Industrial Classification of All Economic Activities adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances, if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

Article 24

In the case of a periodical payment to which this Article applies:

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 23;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of sickness benefits paid under this Convention exceeds by at least 30 per cent the total amount of benefits which would be obtained by applying the provisions of Article 23 and the provisions of subparagraph (b) of Article 19

Article 25

Where the legislation of a Member makes the right to the sickness benefit referred to in Article 18 conditional upon the fulfilment of a qualifying period by the person protected, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

Article 26

1. The sickness benefit referred to in Article 18 shall be granted throughout the contingency: Provided that the grant of benefit may be limited to not less than 52 weeks in each case of incapacity, as prescribed.

2. Where a declaration made in virtue of Article 2 is in force, the grant of the sickness benefit referred to in Article 18 may be limited to not less than 26 weeks in each case of incapacity, as prescribed.

3. Where the legislation of a Member provides that sickness benefit is not payable for an initial period of suspension of earnings, such period shall not exceed three days.

Article 27

1. In the case of the death of a person who was in receipt of, or qualified for, the sickness benefit referred to in Article 18, a funeral benefit shall, under prescribed conditions, be paid to his survivors, to any other dependants or to the person who has borne the expense of the funeral.

2. A member may derogate from the provision of paragraph 1 of this Article where:
- (a) it has accepted the obligations of Part IV of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;
 - (b) it provides in its legislation for cash sickness benefit at a rate of not less than 80 per cent of the earnings of the persons protected; and
 - (c) the majority of persons protected are covered by voluntary insurance which is supervised by the public authorities and which provides a funeral grant.

Part IV. Common provisions

Article 28

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the contingency has been caused by a criminal offence committed by the person concerned;
- (e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
- (g) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is maintained at public expense or at the expense of a social security institution or service; and
- (h) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, subject to the part of the benefit which is suspended not exceeding the other benefit.

2. In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

Article 29

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

Article 30

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 31

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:

- (a) representatives of the persons protected shall participate in the management under prescribed conditions;
- (b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
- (c) national legislation may likewise decide as to the participation of representatives of the public authorities.

Article 32

Each Member shall, within its territory, assure to non-nationals who normally reside or work there equality of treatment with its own nationals as regards the right to the benefits provided for in this Convention.

Article 33

1. A Member:

- (a) which has accepted the obligations of this Convention without availing itself of the exceptions and exclusions provided for in Article 2 and Article 3,
- (b) which provides over-all higher benefits than those provided in this Convention and whose total relevant expenditure on medical care and sickness benefits amounts to at least 4 per cent of its national income, and
- (c) which satisfies at least two of the three following conditions:
 - (i) it covers a percentage of the economically active population which is at least ten points higher than the percentage required by Article 10, subparagraph (b), and by Article 19, subparagraph (b), or a percentage of all residents which is at least ten points higher than the percentage required by Article 10, subparagraph (c),
 - (ii) it provides medical care of a curative and preventive nature of an appreciably higher standard than that prescribed by Article 13,
 - (iii) it provides sickness benefit corresponding to a percentage at least ten points higher than is required by Articles 22 and 23,

may, after consultation with the most representative organisations of employers and workers, where such exist, make temporary derogations from particular provisions of Parts II and III of this Convention on condition that such derogation shall neither fundamentally reduce nor impair the essential guarantees of this Convention.

2. Each Member which has made such a derogation shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards such derogation and any progress made towards complete application of the terms of the Convention.

Article 34

This Convention shall not apply to:

- (a) contingencies which occurred before the coming into force of the Convention for the Member concerned;
- (b) benefits in contingencies occurring after the coming into force of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

Part V. Final provisions

Article 35

This Convention revises the Sickness Insurance (Industry) Convention, 1927, and the Sickness Insurance (Agriculture) Convention, 1927.

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

Article 37

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

ANNEX

International standard industrial classification of all economic activities (Revision 4)*

Division	Description
Section A. Agriculture, Forestry and Fishing	
01	Crop and animal production, hunting and related service activities
02	Forestry and Logging
03	Fishing and aquaculture
Section B. Mining and Quarrying	
05	Mining of coal and lignite
06	Extraction of crude petroleum and natural gas
07	Mining of metal ores
08	Other mining and quarrying
09	Mining support service activities
Section C. Manufacturing	
10	Manufacture of food products
11	Manufacture of beverages
12	Manufacture of tobacco products
13	Manufacture of textiles
14	Manufacture of wearing apparel
15	Manufacture of leather and related products

* Note: In accordance with articles 22(7) and 23(5) of the Convention, its original Annex has been updated with the amended version of the International standard industrial classification of all economic activities (ISIC) Rev. 4, as approved by the Statistical Commission of the UN Economic and Social Council in March 2006 (Statistical Papers, Series M No. 4, Rev. 4 – Full text on <http://unstats.un.org/unsd/cr/registry/isic-4.asp>).

Division	Description
16	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
17	Manufacture of paper and paper products
18	Printing and reproduction of recorded media
19	Manufacture of coke and refined petroleum products
20	Manufacture of chemicals and chemical products
21	Manufacture of pharmaceuticals, medicinal chemical and botanical products
22	Manufacture of rubber and plastics products
23	Manufacture of other non-metallic mineral products
24	Manufacture of basic metals
25	Manufacture of fabricated metal products, except machinery and equipment
26	Manufacture of computer, electronic and optical products
27	Manufacture of electrical equipment
28	Manufacture of machinery and equipment n.e.c.
29	Manufacture of motor vehicles, trailers and semi-trailers
30	Manufacture of other transport equipment
31	Manufacture of furniture
32	Other manufacturing
33	Repair and installation of machinery and equipment
Section D. Electricity, gas, steam and air conditioning supply	
35	Electricity, gas, steam and air conditioning supply
Section E. Water supply; sewerage, waste management and remediation activities	
36	Water collection, treatment and supply
37	Sewerage
38	Waste collection, treatment and disposal activities; materials recovery
39	Remediation activities and other waste management services
Section F. Construction	
41	Construction of buildings
42	Civil engineering
43	Specialized construction activities
Section G. Wholesale and retail trade; repair of motor vehicles and motorcycles	
45	Wholesale and retail trade and repair of motor vehicles and motorcycles
46	Wholesale trade, except of motor vehicles and motorcycles
47	Retail trade, except of motor vehicles and motorcycles
Section H. Transportation and storage	
49	Land transport and transport via pipelines
50	Water transport
51	Air transport
52	Warehousing and support activities for transportation
53	Postal and courier activities
Section I. Accommodation and food service activities	
55	Accommodation
56	Food and beverage service activities
Section J. Information and communication	
58	Publishing activities
59	Motion picture, video and television programme production, sound recording and music publishing activities
60	Programming and broadcasting activities

Division	Description
61	Telecommunications
62	Computer programming, consultancy and related activities
63	Information service activities
Section K. Financial and insurance activities	
64	Financial service activities, except insurance and pension funding
65	Insurance, reinsurance and pension funding, except compulsory social security
66	Activities auxiliary to financial service and insurance activities
Section L. Real estate activities	
68	Real estate activities
Section M. Professional, scientific and technical activities	
69	Legal and accounting activities
70	Activities of head offices; management consultancy activities
71	Architectural and engineering activities; technical testing and analysis
72	Scientific research and development
73	Advertising and market research
74	Other professional, scientific and technical activities
75	Veterinary activities
Section N. Administrative and support service activities	
77	Rental and leasing activities
78	Employment activities
79	Travel agency, tour operator, reservation service and related activities
80	Security and investigation activities
81	Services to buildings and landscape activities
82	Office administrative, office support and other business support activities
Section O. Public administration and defence; compulsory social security	
84	Public administration and defence; compulsory social security
Section P. Education	
85	Education
Section Q. Human health and social work activities	
86	Human health activities
87	Residential care activities
88	Social work activities without accommodation
Section R. Arts, entertainment and recreation	
90	Creative, arts and entertainment activities
91	Libraries, archives, museums and other cultural activities
92	Gambling and betting activities
93	Sports activities and amusement and recreation activities
Section S. Other service activities	
94	Activities of membership organizations
95	Repair of computers and personal and household goods
96	Other personal service activities
Section T. Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	
97	Activities of households as employers of domestic personnel
98	Undifferentiated goods- and services-producing activities of private households for own use
Section U. Activities of extraterritorial organizations and bodies	
99	Activities of extraterritorial organizations and bodies

Medical Care and Sickness Benefits Recommendation, 1969 (No. 134)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 53rd Session (25 June 1969)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4 June 1969, and

Having decided upon the adoption of certain proposals with regard to the revision of the Sickness Insurance (Industry) Convention, 1927, and the Sickness Insurance (Agriculture) Convention, 1927, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Medical Care and Sickness Benefits Convention, 1969,

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine, the following Recommendation, which may be cited as the Medical Care and Sickness Benefits Recommendation, 1969:

1. In this Recommendation:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *prescribed* means determined by or in virtue of national legislation;
- (c) the term *residence* means ordinary residence in the territory of the Member and the term *resident* means a person ordinarily resident in the territory of the Member;
- (d) the term *dependent* refers to a state of dependency which is presumed to exist in prescribed cases;
- (e) the term *wife* means a wife who is dependent on her husband;
- (f) the term *child* covers:
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher; and
 - (ii) a child under a prescribed age higher than that specified in subclause (i) of this clause and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions;
- (g) the term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (h) the term *sickness* means any morbid condition, whatever its cause;
- (i) the term *medical care* includes allied benefits.

2. Members should extend the application of their legislation providing for the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, by stages, if necessary, and under appropriate conditions:

- (a) to persons whose employment is of a casual nature;
- (b) to members of the employer's family living in his house, in respect of their work for him;
- (c) to all economically active persons;
- (d) to the wives and children of the persons specified in clauses (a) to (c) of this Paragraph; and
- (e) to all residents.

3. The medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, should include:

- (a) the supply of medical aids, such as eyeglasses; and
- (b) services for convalescents.

4. The right to the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, should not be made subject to a qualifying period.

5. Where a beneficiary ceases to belong to the categories of persons protected, the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, should be provided throughout the contingency for a case of sickness which started while he belonged to the said categories.

6. Under prescribed conditions, benefits provided for in Parts II and III of the Medical Care and Sickness Benefits Convention, 1969, should continue to be provided to a person protected who is temporarily absent from the territory of the Member.

7. A beneficiary or, where appropriate, his breadwinner should not be required to share in the cost of the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969:

- (a) if his means do not exceed prescribed amounts;
- (b) in respect of diseases recognised as entailing prolonged care.

8. A person protected for sickness benefit should be granted a cash benefit in cases of absence from work involving loss of earnings which is justified on the ground that:

- (a) he is required to undergo curative or preventive medical care;
- (b) he is isolated for the purpose of quarantine;
- (c) he is placed under medical supervision for the purpose of rehabilitation; or
- (d) he is on convalescent leave.

9. A reasonable opportunity to obtain necessary medical treatment during normal working hours should be afforded to a person protected who suffers from a sickness which does not fully incapacitate him from attending to his normal work.

10. Appropriate provision should be made to help a person protected who is economically active and who has to care for a sick dependant.

11. Members should extend the application of their legislation providing for the sickness benefit referred to in Article 18 of the Medical Care and Sickness Benefits Convention, 1969, by stages, if necessary, and under appropriate conditions:

- (a) to persons whose employment is of a casual nature;
- (b) to members of the employer's family living in his house, in respect of their work for him; and
- (c) to all economically active persons.

12. The percentage specified in Article 22, paragraph 1, and Article 23, paragraph 1, of the Medical Care and Sickness Benefits Convention, 1969, should be increased by at least $6\frac{2}{3}$ points.

13. Cash benefit in respect of incapacity for work resulting from a sickness and involving suspension of earnings should be paid throughout the contingency.

Medical Care Recommendation, 1944 (No. 69)

Status	Adoption
Technical instrument with interim status	Philadelphia, ILC 26th Session (12 May 1944)

The General Conference of the International Labour Organisation,
 Having been convened at Philadelphia by the Governing Body of the International Labour Office,
 and having met in its Twenty-sixth Session on 20 April 1944, and
 Having decided upon the adoption of certain proposals with regard to the question of medical
 care services, which is included in the fourth item on the agenda of the Session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twelfth day of May of the year one thousand nine hundred and forty-four, the following
 Recommendation, which may be cited as the Medical Care Recommendation, 1944:

Whereas the Atlantic Charter contemplates the fullest collaboration between all nations in the
 economic field with the object of securing for all improved labour standards, economic advancement
 and social security; and

Whereas the Conference of the International Labour Organisation, by a Resolution adopted on
 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation
 of the International Labour Organisation in its implementation; and

Whereas the availability of adequate medical care is an essential element in social security; and

Whereas the International Labour Organisation has promoted the development of medical care
 services:

by the inclusion of requirements relating to medical care in the Workmen's Compensation
 (Accidents) Convention, 1925, and the Sickness Insurance (Industry, etc.) and (Agriculture)
 Conventions, 1927,

by the communication to the Members of the Organisation by the Governing Body of the con-
 clusions of meetings of experts relating to public health and health insurance in periods of economic
 depression, the economical administration of medical and pharmaceutical benefits under sickness
 insurance schemes, and guiding principles for curative and preventive action by invalidity, old-age
 and widows' and orphans' insurance,

by the adoption by the First and Second Labour Conferences of American States of the
 Resolutions constituting the Inter-American Social Insurance Code, by the participation of a del-
 egation of the Governing Body in the First Inter-American Conference on Social Security which
 adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the
 Statute of the Inter-American Conference on Social Security, established as a permanent agency of
 co-operation between social security administrations and institutions acting in concert with the
 International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of
 social insurance schemes in a number of countries and by other measures; and

Whereas some Members have not taken such steps as are within their competence to improve
 the health of the people by the extension of medical facilities, the development of public health pro-
 grammes, the spread of health education, and the improvement of nutrition and housing, although
 their need in that respect is greatest, and it is highly desirable that such Members take all steps as
 soon as possible to reach the international minimum standards and to develop these standards; and

Whereas it is now desirable to take further steps for the improvement and unification of medical
 care services, the extension of such services to all workers and their families, including rural popula-
 tions and the self-employed, and the elimination of inequitable anomalies, without prejudice to the
 right of any beneficiary of the medical care service who so desires to arrange privately at his own
 expense for medical care; and

Whereas the formulation of certain general principles which should be followed by Members of the Organisation in developing their medical care services along these lines will contribute to this end;

The Conference recommends the Members of the Organisation to apply the following principles, as rapidly as national conditions allow, in developing their medical care services with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

I. General

Essential features of a medical care service

1. A medical care service should meet the need of the individual for care by members of the medical and allied professions and for such other facilities as are provided at medical institutions:
 - (a) with a view to restoring the individual's health, preventing the further development of disease and alleviating suffering, when he is afflicted by ill health (curative care); and
 - (b) with a view to protecting and improving his health (preventive care).
2. The nature and extent of the care provided by the service should be defined by law.
3. The authorities or bodies responsible for the administration of the service should provide medical care for its beneficiaries by securing the services of members of the medical and allied professions and by arranging for hospital and other institutional services.
4. The cost of the service should be met collectively by regular periodical payments which may take the form of social insurance contributions or of taxes, or of both.

Forms of medical care service

5. Medical care should be provided either through a social insurance medical care service with supplementary provision by way of social assistance to meet the requirements of needy persons not yet covered by social insurance, or through a public medical care service.
6. Where medical care is provided through a social insurance medical care service:
 - (a) every insured contributor, the dependent wife or husband and dependent children of every such contributor, such other dependants as may be prescribed by national laws or regulations, and every other person insured by virtue of contributions paid on his behalf, should be entitled to all care provided by the service;
 - (b) care for persons not yet insured should be provided by way of social assistance if they are unable to obtain it at their own expense; and
 - (c) the service should be financed by contributions from insured persons, from their employers, and by subsidies from public funds.
7. Where medical care is provided through a public medical care service:
 - (a) every member of the community should be entitled to all care provided by the service;
 - (b) the service should be financed out of funds raised either by a progressive tax specifically imposed for the purpose of financing the medical care service or of financing all health services, or from general revenue.

II. Persons covered

Complete coverage

8. The medical care service should cover all members of the community, whether or not they are gainfully occupied.
9. Where the service is limited to a section of the population or to a specified area, or where the contributory mechanism already exists for other branches of social insurance and it is possible ultimately to bring under the insurance scheme the whole or the majority of the population, social insurance may be appropriate.
10. Where the whole of the population is to be covered by the service and it is desired to integrate medical care with general health services, a public service may be appropriate.

Coverage through a social insurance medical care service

11. Where medical care is provided through a social insurance medical care service, all members of the community should have the right to care as insured persons or, pending their inclusion in the scope of insurance, should have the right to receive care at the expense of the competent authority when unable to provide it for themselves.

12. All adult members of the community (that is to say, all persons other than children as defined in Paragraph 15) should be required to pay insurance contributions if their income is not below the subsistence level. The dependent wife or husband of a contributor should be insured in virtue of the contribution of her or his breadwinner, without any addition on that account.

13. Other adults who prove that their income is below the subsistence level, including indigents, should be entitled to care as insured persons, the contribution being paid on their behalf by the competent authority. Rules defining the subsistence level in each country should be laid down by the competent authority.

14. If and so long as adults unable to pay a contribution are not insured as provided for in Paragraph 13, they should receive care at the expense of the competent authority.

15. All children (that is to say, all persons who are under the age of sixteen years, or such higher age as may be prescribed, or who are dependent on others for regular support while continuing their general or vocational education) should be insured in virtue of the contributions paid by or on behalf of adult insured persons in general, and no additional contribution should be payable on their behalf by their parents or guardians.

16. If and so long as children are not insured as provided for in Paragraph 15, because the service does not yet extend to the whole population, they should be insured in virtue of the contribution paid by or on behalf of their father or mother without any additional contribution being payable on their behalf. Children for whom medical care is not so provided should, in case of need, receive it at the expense of the competent authority.

17. Where any person is insured under a scheme of social insurance for cash benefits or is receiving benefit under such a scheme, he and his qualified dependants, as defined in Paragraph 6, should also be insured under the medical care service.

Coverage through a public medical care service

18. Where medical care is provided through a public medical care service, the provision of care should not depend on any qualifying conditions, such as payment of taxes or compliance with a means test, and all beneficiaries should have an equal right to the care provided.

III. The provision of medical care and its co-ordination with general health services

Range of service

19. Complete preventive and curative care should be constantly available, rationally organised and, so far as possible, co-ordinated with general health services.

Constant availability of complete care

20. Complete preventive and curative care should be available at any time and place to all members of the community covered by the service, on the same conditions, without any hindrance or barrier of an administrative, financial or political nature, or otherwise unrelated to their health.

21. The care afforded should comprise both general-practitioner and specialist out- and in-patient care, including domiciliary visiting; dental care; nursing care at home or in hospital or other medical institutions; the care given by qualified midwives and other maternity services at home or in hospital; maintenance in hospitals, convalescent homes, sanatoria or other medical institutions; so far as possible, the requisite dental, pharmaceutical and other medical or surgical supplies, including artificial limbs; and the care furnished by such other professions as may at any time be legally recognised as belonging to the allied professions.

22. All care and supplies should be available at any time and without time limit, when and as long as they are needed, subject only to the doctor's judgment and to such reasonable limitations as may be imposed by the technical organisation of the service.

23. Beneficiaries should be able to obtain care at the centres or offices provided, wherever they happen to be when the need arises, whether at their place of residence or elsewhere within the total area in which the service is available, irrespective of their membership in any particular insurance institution, arrears in contributions or of other factors unrelated to health.

24. The administration of the medical care service should be unified for appropriate health areas sufficiently large for a self-contained and well-balanced service, and should be centrally supervised.

25. Where the medical care service covers only a section of the population or is at present administered by different types of insurance institutions and authorities, the institutions and authorities concerned should provide care for their beneficiaries by securing collectively the services of members of the medical and allied professions, and by the joint establishment or maintenance of health centres and other medical institutions, pending the regional and national unification of the services.

26. Arrangements should be made by the administration of the service for securing adequate hospital and other residential accommodation and care, either by contracts with existing public and approved private institutions, or by the establishment and maintenance of appropriate institutions.

Rational organisation of medical care service

27. The optimum of medical care should be made readily available through an organisation that ensures the greatest possible economy and efficiency by the pooling of knowledge, staff, equipment and other resources and by close contact and collaboration among all participating members of the medical and allied professions and agencies.

28. The wholehearted participation of the greatest possible number of members of the medical and allied professions is essential for the success of any national medical care service. The numbers of general practitioners, specialists, dentists, nurses and members of other professions within the service should be adapted to the distribution and the needs of the beneficiaries.

29. Complete diagnostic and treatment facilities, including laboratory and X-ray services, should be available to the general practitioner, and all specialist advice and care, as well as nursing, maternity, pharmaceutical and other auxiliary services, and residential accommodation, should be at the disposal of the general practitioner for the use of his patients.

30. Complete and up-to-date technical equipment for all branches of specialist treatment, including dental care, should be available, and specialists should have at their disposal all necessary hospital and research facilities, and auxiliary out-patient services such as nursing, through the agency of the general practitioner.

31. To achieve these aims, care should preferably be furnished by group practice at centres of various kinds working in effective relation with hospitals.

32. Pending the establishment of, and experiments with, group practice at medical or health centres, it would be appropriate to obtain care for beneficiaries from members of the medical and allied professions practising at their own offices.

33. Where the medical care service covers the majority of the population, medical or health centres may appropriately be built, equipped and operated by the authority administering the service in the health area, in one of the forms indicated in Paragraphs 34, 35 and 36.

34. Where no adequate facilities exist or where a system of hospitals with out-patient departments for general-practitioner and specialist treatment already obtains in the health area at the time when the medical care service is introduced, hospitals may appropriately be established as, or developed into, centres providing all kinds of in- and out-patient care and complemented by local outposts for general-practitioner care and for auxiliary services.

35. Where general practice is well developed outside the hospital system while specialists are mainly consultants and working at hospitals, it may be appropriate to establish medical or health centres for non-residential general-practitioner care and auxiliary services, and to centralise specialist in-patient and out-patient care at hospitals.

36. Where general and specialist practice are well developed outside the hospital system, it may be appropriate to establish medical or health centres for all non-residential treatment, general-practitioner and specialist, and all auxiliary services, while cases needing residential care are directed from the centres to the hospitals.

37. Where the medical care service does not cover the majority of the population but has a substantial number of beneficiaries, and existing hospital and other medical facilities are inadequate, the insurance institution, or insurance institutions jointly, should establish a system of medical or health centres which affords all care, including hospital accommodation at the main centres, and, so far as possible, transport arrangements; such centres may be required more particularly in sparsely settled areas with a scattered insured population.

38. Where the medical care service covers too small a section for complete health centres to be an economical means of serving its beneficiaries, and existing facilities for specialist treatment in the area are inadequate, it may be appropriate for the insurance institution, or the institutions jointly, to maintain posts at which specialists attend beneficiaries as required.

39. Where the medical care service covers a relatively small section of the population concentrated in an area with extensive private practice, it may be appropriate for the members of the medical and allied professions participating in the service to collaborate at centres rented, equipped and administered by the members, at which both beneficiaries of the service and private patients receive care.

40. Where the medical care service covers only a small number of beneficiaries who are scattered over a populated area with adequate existing facilities, and voluntary group practice as provided for in Paragraph 39 is not feasible, beneficiaries may appropriately receive care from members of the medical and allied professions practising at their own offices, and at public and approved private hospitals and other medical institutions.

41. Travelling clinics in motor vans or aircraft, equipped for first aid, dental treatment, general examination and possibly other health services such as maternal and infant health services, should be provided for serving areas with a scattered population and remote from towns or cities, and arrangements should be made for the free conveyance of patients to centres and hospitals.

Collaboration with general health services

42. There should be available to the beneficiaries of the medical care service all general health services, being services providing means for the whole community and/or groups of individuals to promote and protect their health while it is not yet threatened or known to be threatened, whether such services be given by members of the medical and allied professions or otherwise.

43. The medical care service should be provided in close co-ordination with general health services, either by means of close collaboration of the social insurance institutions providing medical care and the authorities administering the general health services, or by combining medical care and general health services in one public service.

44. Local co-ordination of medical care and general health services should be aimed at either by establishing medical care centres in proximity to the headquarters for general health services, or by establishing common centres as headquarters for all or most health services.

45. The members of the medical and allied professions participating in the medical care service and working at health centres may appropriately undertake such general health care as can with advantage be given by the same staff, including immunisation, examination of school children and other groups, advice to expectant mothers and mothers with infants, and other care of a like nature.

IV. The quality of service

Optimum standard

46. The medical care service should aim at providing the highest possible standard of care, due regard being paid to the importance of the doctor-patient relationship and the professional and personal responsibility of the doctor, while safeguarding both the interests of the beneficiaries and those of the professions participating.

Choice of doctor and continuity of care

47. The beneficiary should have the right to make an initial choice, among the general practitioners at the disposal of the service within a reasonable distance from his home, of the doctor by whom he wishes to be attended in a permanent capacity (family doctor); he should have the same right of choice for his children. These principles should also apply to the choice of a dentist as family dentist.

48. Where care is provided at or from health centres, the beneficiary should have the right to choose his centre within a reasonable distance from his home and to select for himself or his children a doctor and a dentist among the general practitioners and dentists working at this centre.

49. Where there is no centre, the beneficiary should have the right to select his family doctor and dentist among the participating general practitioners and dentists whose office is within a reasonable distance from his home.

50. The beneficiary should have the right subsequently to change his family doctor or dentist, subject to giving notice within a prescribed time, for good reasons, such as lack of personal contact and confidence.

51. The general practitioner or the dentist participating in the service should have the right to accept or refuse a client, but may not accept a number in excess of a prescribed maximum nor refuse such clients as have not made their own choice and are assigned to him by the service through impartial methods.

52. The care given by specialists and members of allied professions, such as nurses, midwives, masseurs and others, should be available on the recommendation, and through the agency, of the beneficiary's family doctor who should take reasonable account of the patient's wishes if several members of the specialty or other profession are available at the centre or within a reasonable distance of the patient's home. Special provision should be made for the availability of the specialist when requested by the patient though not recommended by the family doctor.

53. Residential care should be made available on the recommendation of the beneficiary's family doctor, or on the advice of the specialist, if any, who has been consulted.

54. If residential care is provided at the centre to which the family doctor or specialist is attached, the patient should preferably be attended in the hospital by his own family doctor or the specialist to whom he was referred.

55. Arrangements for the general practitioners or dentists at a centre to be consulted by appointment should be made whenever practicable.

*Working conditions and status of doctors
and members of allied professions*

56. The working conditions of doctors and members of allied professions participating in the service should be designed to relieve the doctor or member from financial anxiety by providing adequate income during work, leave and illness and in retirement, and pensions to his survivors, without restricting his professional discretion otherwise than by professional supervision, and should not be such as to distract his attention from the maintenance and improvement of the health of the beneficiaries.

57. General practitioners, specialists and dentists, working for a medical care service covering the whole or a large majority of the population, may appropriately be employed whole time for a salary, with adequate provision for leave, sickness, old age and death, if the medical profession is adequately represented on the body employing them.

58. Where general practitioners or dentists, engaged in private practice, undertake part-time work for a medical care service with a sufficient number of beneficiaries, it may be appropriate to pay them a fixed basic amount per year, including provision for leave, sickness, old age and death, and increased if desired by a capitation fee for each person or family in the doctor's or dentist's charge.

59. Specialists engaged in private practice who work part time for a medical care service with a considerable number of beneficiaries may appropriately be paid an amount proportionate to the time devoted to such service (part-time salary).

60. Doctors and dentists engaged in private practice who work part time for a medical care service with few beneficiaries only may appropriately be paid fees for services rendered.

61. Among the members of allied professions participating in the service, those rendering personal care may appropriately be employed whole time for salary, with adequate provision for leave, sickness, old age and death, while members furnishing supplies should be paid in accordance with adequate tariffs.

62. Working conditions for members of the medical and allied professions participating in the service should be uniform throughout the country or for all sections covered by the service, and agreed on with the representative bodies of the profession, subject only to such variations as may be necessitated by differences in the exigencies of the service.

63. Provisions should be made for the submission of complaints by beneficiaries concerning the care received, and by members of the medical or allied professions concerning their relations with the administration of the service, to appropriate arbitration bodies under conditions affording adequate guarantees to all parties concerned.

64. The professional supervision of the members of the medical and allied professions working for the service should be entrusted to bodies predominantly composed of representatives of the professions participating, with adequate provision for disciplinary measures.

65. Where, in the proceedings referred to in Paragraph 63, a member of the medical or allied professions working for the service is deemed to have neglected his professional duties, the arbitration body should refer the matter to the supervisory body referred to in Paragraph 64.

Standard of professional skill and knowledge

66. The highest possible standard of skill and knowledge should be achieved and maintained for the professions participating both by requiring high standards of education, training and licensing and by keeping up to date and developing the skill and knowledge of those engaged in the service.

67. Doctors participating in the service should be required to have an adequate training in social medicine.

68. Students of the medical and dental professions should, before being admitted as fully qualified doctors or dentists to the service, be required to work as assistants at health centres or offices, especially in rural areas, under the supervision and direction of more experienced practitioners.

69. A minimum period as hospital assistant should be prescribed among the qualifications for every doctor entering the service.

70. Doctors wishing to furnish specialist service should be required to have certificates of competence for their specialty.

71. Doctors and dentists participating should be required periodically to attend post-graduate courses organised or approved for this purpose.

72. Adequate periods of apprenticeship at hospitals or health centres should be prescribed for members of allied professions, and post-graduate courses should be organised and attendance periodically required for those participating in the service.

73. Adequate facilities for teaching and research should be made available at the hospitals administered by or working with the medical care service.

74. Professional education and research should be promoted with the financial and legal support of the State.

V. Financing of medical care service

Raising of funds under social insurance service

75. The maximum contribution that may be charged to an insured person should not exceed such proportion of his income as, applied to the income of all insured persons, would yield an income equal to the probable total cost of the medical care service, including the cost of care given to qualified dependants as defined in Paragraph 6.

76. The contribution paid by an insured person should be such part of the maximum contribution as can be borne without hardship.

77. Employers should be required to pay part of the maximum contribution on behalf of persons employed by them.

78. Persons whose income does not exceed the subsistence level should not be required to pay an insurance contribution. Equitable contributions should be paid by the public authority on their behalf: Provided that in the case of employed persons, such contributions may be paid wholly or partly by their employers.

79. The cost of the medical care service not covered by contributions should be borne by taxpayers.

80. Contributions in respect of employed persons may appropriately be collected by their employers.

81. Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

82. The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

83. Where a scheme of social insurance for cash benefits is in operation, contributions both under such scheme and under the medical care service may appropriately be collected together.

Raising of funds under public medical care service

84. The cost of the medical care service should be met out of public funds.

85. Where the whole population is covered by the medical care service and all health services are under unified central and area administration, the medical care service may appropriately be financed out of general revenue.

86. Where the administration of the medical care service is separate from that of general health services, it may be appropriate to finance the medical care service by a special tax.

87. The special tax should be paid into a separate fund reserved for the purpose of financing the medical care service.

88. The special tax should be progressively graded and should be designed to yield a return sufficient for financing the medical care service.

89. Persons whose income does not exceed the subsistence level should not be required to pay the tax.

90. The special tax may appropriately be collected by the national income tax authorities or, where there is no national income tax, by authorities responsible for collecting local taxes.

Raising of capital funds

91. In addition to providing the normal resources for financing the medical care service, measures should be taken to utilise the assets of social insurance institutions, or funds raised by other means, for financing the extraordinary expenditure necessitated by the extension and improvement of the service, more particularly by the building or equipment of hospitals and medical centres.

VI. Supervision and administration of medical care service

Unity of health services and democratic control

92. All medical care and general health services should be centrally supervised and should be administered by health areas as defined in Paragraph 24, and the beneficiaries of the medical care service, as well as the medical and allied professions concerned, should have a voice in the administration of the service.

Unification of central administration

93. A central authority, representative of the community, should be responsible for formulating the health policy or policies and for supervising all medical care and general health services, subject to consultation of, and collaboration with, the medical and allied professions on all professional matters, and to consultation of the beneficiaries on matters of policy and administration affecting the medical care service.

94. Where the medical care service covers the whole or the majority of the population and a central government agency supervises or administers all medical care and general health services, beneficiaries may appropriately be deemed to be represented by the head of the agency.

95. The central government agency should keep in touch with the beneficiaries through advisory bodies comprising representatives of organisations of the different sections of the population, such as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies.

96. Where the medical care service covers only a section of the population, and a central government agency supervises all medical care and general health services, representatives of the insured persons should participate in the supervision, preferably through advisory committees, as regards all matters of policy affecting the medical care service.

97. The central government agency should consult the representatives of the medical and allied professions, preferably through advisory committees, on all questions relating to the working conditions of the members of the professions participating, and on all other matters primarily of a professional nature, more particularly on the preparation of laws and regulations concerning the nature, extent and provision of the care furnished under the service.

98. Where the medical care service covers the whole or the majority of the population and a representative body supervises or administers all medical care and general health services, beneficiaries should be represented on such body, either directly or indirectly.

99. In this event, the medical and allied professions should be represented on the representative body, preferably in numbers equal to those of the beneficiaries or the government as the case may be; the professional members should be elected by the profession concerned, or nominated by their representatives and appointed by the central government.

100. Where the medical care service covers the whole or the majority of the population and a corporate body of experts established by legislation or by charter supervises or administers all medical care and general health services, such body may appropriately consist of an equal number of members of the medical and allied professions and of qualified laymen.

101. The professional members of the expert body should be appointed by the central government from among candidates nominated by the representatives of the medical and allied professions.

102. The representative executive body or the expert body supervising or administering medical care and general health services should be responsible to the government for its general policy.

103. In the case of a federal State, the central authority referred to in the preceding Paragraphs may be either a federal or a state authority.

Local administration

104. Local administration of medical care and general health services should be unified or co-ordinated within areas formed for the purpose as provided for in Paragraph 24, and the medical care service in the area should be administered by or with the advice of bodies representative of the beneficiaries and partly composed of, or assisted by, representatives of the medical and allied professions, so as to safeguard the interests of the beneficiaries and the professions, and secure the technical efficiency of the service and the professional freedom of the participating doctors.

105. Where the medical care service covers the whole or the majority of the population in the health area, all medical care and general health services may appropriately be administered by one area authority.

106. Where, in this event, the area government administers the health services on behalf of the beneficiaries, the medical and allied professions should participate in the administration of the medical care service, preferably through technical committees elected by the professions or appointed by the area or central government from among nominees of the professions concerned.

107. Where a medical care service covering the whole or the majority of the population in the health area is administered by a representative body, the area government, on behalf of the beneficiaries, and the medical and allied professions in the area, should be represented on such body, preferably in equal numbers.

108. Where the medical service is administered by area offices or officers of the central authority, the medical and allied professions in the area should participate in the administration, preferably through executive technical committees, elected or appointed in the manner provided for in Paragraph 106.

109. Whatever the form of the area administration, the authority administering the medical care service should keep in constant touch with the beneficiaries in the area through advisory bodies, elected by representative organisations of the different sections of the population, in the manner provided for in Paragraph 95.

110. Where the social insurance medical care service covers only a section of the population, administration of that service may appropriately be entrusted to a representative executive body responsible to the government, and comprising representatives of the beneficiaries, of the medical and allied professions participating in the service and of the employers.

Administration of health units

111. Health units owned and operated by the medical care service, such as medical or health centres or hospitals, should be administered under democratic control with adequate provisions for the participation of the medical profession, or wholly or predominantly by doctors elected by, or appointed after consultation of, the members of the medical and allied professions participating in the medical care service, in co-operation with all the doctors working at the unit.

Right of appeal

112. Beneficiaries or members of the medical or allied professions who have submitted complaints to the arbitration body referred to in Paragraph 63 should have a right of appeal from the decisions of such body to an independent tribunal.

113. Members of the medical and allied professions against whom disciplinary measures have been taken by the supervisory body referred to in Paragraph 64 should have a right of appeal from the decisions of such body to an independent tribunal.

114. Where the supervisory body referred to in Paragraph 64 takes no disciplinary action on a matter referred to it by the arbitration body, in accordance with Paragraph 65, the interested parties should have a right of appeal to an independent tribunal.

2.2 Old-age, invalidity and survivors' benefit²

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	1 Nov 1969	Geneva, ILC 51st Session (29 June 1967)	16

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7 June 1967, and

Having decided upon the adoption of certain proposals with regard to the revision of the Old-Age Insurance (Industry, etc.) Convention, 1933, the Old-Age Insurance (Agriculture) Convention, 1933, the Invalidity Insurance (Industry, etc.) Convention, 1933, the Invalidity Insurance (Agriculture) Convention, 1933, the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-ninth day of June of the year one thousand nine hundred and sixty-seven the following Convention, which may be cited as the Invalidity, Old-Age and Survivors' Benefits Convention, 1967:

Part I. General provisions

Article 1

In this Convention:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *prescribed* means determined by or in virtue of national legislation;
- (c) the term *industrial undertaking* includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;
- (d) the term *residence* means ordinary residence in the territory of the Member, and the term *resident* means a person ordinarily resident in the territory of the Member;
- (e) the term *dependent* refers to a state of dependency which is presumed to exist in prescribed cases;
- (f) the term *wife* means a wife who is dependent on her husband;
- (g) the term *widow* means a woman who was dependent on her husband at the time of his death;
- (h) the term *child* covers:
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher; and

2. 1) Withdrawn recommendation: Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43).

2) Shelved conventions: Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35); Old-Age Insurance (Agriculture) Convention, 1933 (No. 36); Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37); Invalidity Insurance (Agriculture) Convention, 1933 (No. 38); Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39); Survivors' Insurance (Agriculture) Convention, 1933 (No. 40).

- (ii) a child under a prescribed age higher than that specified in clause (i) of this subparagraph and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in clause (i) of this subparagraph;
- (i) the term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (j) the terms *contributory benefits* and *non-contributory benefits* means respectively benefits the grant of which depends or does not depend on direct financial participation by the persons protected or their employer or on a qualifying period of occupational activity.

Article 2

1. Each Member for which this Convention is in force shall comply with:

- (a) Part I;
- (b) at least one of Parts II, III and IV;
- (c) the relevant provisions of Parts V and VI; and
- (d) Part VII.

2. Each Member shall specify in its ratification in respect of which of Parts II to IV it accepts the obligations of the Convention.

Article 3

1. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more of Parts II to IV not already specified in its ratification.

2. The undertakings referred to in paragraph 1 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

Article 4

1. A Member whose economy is insufficiently developed may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in the following Articles: Article 9, paragraph 2; Article 13, paragraph 2; Article 16, paragraph 2; and Article 22, paragraph 2. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected as circumstances permit.

Article 5

Where, for the purpose of compliance with any of the Parts II to IV of this Convention which are to be covered by its ratification, a Member is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or of the whole economically active population, the Member shall satisfy itself, before undertaking to comply with any such Part, that the relevant percentage is attained.

Article 6

For the purpose of compliance with Parts II, III or IV of this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by its legislation for the persons to be protected:

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention.

Part II. Invalidity benefit*Article 7*

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.

Article 8

The contingency covered shall include incapacity to engage in any gainful activity, to an extent prescribed, which incapacity is likely to be permanent or persists after the termination of a prescribed period of temporary or initial incapacity.

Article 9

1. The persons protected shall comprise:

- (a) all employees, including apprentices; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or
- (c) all residents, or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28

2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 25 per cent. of all employees;
- (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent. of all employees in industrial undertakings.

Article 10

The invalidity benefit shall be a periodical payment calculated as follows:

- (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
- (b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28

Article 11

1. The benefit specified in Article 10 shall, in a contingency covered, be secured at least:

- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number or yearly number of contributions has been paid.

2. Where the invalidity benefit is conditional upon a minimum period of contribution, employment or residence, a reduced benefit shall be secured at least:

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution, employment or residence; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whom, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected who has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.

Article 12

The benefit specified in Articles 10 and 11 shall be granted throughout the contingency or until an old-age benefit becomes payable.

Article 13

1. Each Member for which this Part of this Convention is in force shall, under prescribed conditions:

(a) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and

(b) take measures to further the placement of disabled persons in suitable employment.

2. Where a declaration made in virtue of Article 4 is in force, the Member may derogate from the provisions of paragraph 1 of this Article.

Part III. Old-age benefit

Article 14

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.

Article 15

1. The contingency covered shall be survival beyond a prescribed age.
2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to demographic, economic and social criteria, which shall be demonstrated statistically.
3. If the prescribed age is 65 years or higher, the age shall be lowered, under prescribed conditions, in respect of persons who have been engaged in occupations that are deemed by national legislation, for the purpose of old-age benefit, to be arduous or unhealthy.

Article 16

1. The persons protected shall comprise:
 - (a) all employees, including apprentices; or
 - (b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or
 - (c) all residents or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28
2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise:
 - (a) prescribed classes of employees, constituting not less than 25 per cent. of all employees; or
 - (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent. of all employees in industrial undertakings.

Article 17

The old-age benefit shall be a periodical payment calculated as follows:

- (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
- (b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28

Article 18

1. The benefit specified in Article 17 shall, in a contingency covered, be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the old-age benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:

- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or
- (b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half of the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment or five years of residence but is less than 30 years of contribution or employment or 20 years of residence; if such qualifying period exceeds 15 years of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

Article 19

The benefit specified in Articles 17 and 18 shall be granted throughout the contingency.

Part IV. Survivors' benefit

Article 20

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.

Article 21

1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner.

2. In the case of a widow the right to a survivors' benefit may be made conditional on the attainment of a prescribed age. Such age shall not be higher than the age prescribed for old-age benefit.

3. No requirement as to age may be made if the widow:

- (a) is invalid, as may be prescribed; or
- (b) is caring for a dependent child of the deceased.

4. In order that a widow who is without a child may be entitled to a survivors' benefit, a minimum duration of marriage may be required.

Article 22

1. The persons protected shall comprise:

- (a) the wives, children and, as may be prescribed, other dependants of all breadwinners who were employees or apprentices; or
- (b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 75 per cent. of the whole economically active population; or

(c) all widows, all children and all other prescribed dependants who have lost their breadwinner, who are residents and, as appropriate, whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the provisions of Article 28

2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise:

- (a) the wives, children and, as may be prescribed, other dependants of breadwinners, in prescribed classes of employees, which classes constitute not less than 25 per cent. of all employees; or
- (b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of employees in industrial undertakings, which classes constitute not less than 50 per cent. of all employees in industrial undertakings.

Article 23

The survivors' benefit shall be a periodical payment calculated as follows:

- (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
- (b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28

Article 24

1. The benefit specified in Article 23 shall, in a contingency covered, be secured at least:

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence: Provided that, for a benefit payable to a widow, the completion of a prescribed qualifying period of residence by such widow may be required instead; or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number or the yearly number of contributions has been paid.

2. Where the survivors' benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the

reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; if such qualifying period is one of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.

Article 25

The benefit specified in Articles 23 and 24 shall be granted throughout the contingency.

Part V. Standards to be complied with by periodical payments

Article 26

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be:

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
- (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
- (d) a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities

with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1958 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

Article 27

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be:

- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1958 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

Article 28

In the case of a periodical payment to which this Article applies:

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 27;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent. the total amounts of benefits which would be obtained by applying the provisions of Article 27 and the provisions of:
 - (i) Article 9, paragraph 1, subparagraph (b) for Part II;
 - (ii) Article 16, paragraph 1, subparagraph (b) for Part III;
 - (iii) Article 22, paragraph 1, subparagraph (b) for Part IV.

Article 29

1. The rates of cash benefits currently payable pursuant to Article 10, Article 17 and Article 23 shall be reviewed following substantial changes in the general level of earnings or substantial changes in the cost of living.

2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation, and shall specify any action taken.

SCHEDULE TO PART V
Periodical payments to standard beneficiaries

Part	Contingency	Standard beneficiary	Percentage
II	Invalidity	Man with wife and two children	50
III	Old age	Man with wife of pensionable age	45
IV	Death of breadwinner	Widow with two children	45

Part VI. Common provisions*Article 30*

National legislation shall provide for the maintenance of rights in course of acquisition in respect of contributory invalidity, old-age and survivors' benefits under prescribed conditions.

Article 31

1. The payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity.

2. A contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary exceed a prescribed amount; the reduction in benefit shall not exceed the earnings.

3. A non-contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 32

1. A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to IV of this Convention may be suspended to such extent as may be prescribed:

- (a) as long as the person concerned is absent from the territory of the Member, except, under prescribed conditions, in the case of a contributory benefit;
- (b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the contingency has been caused by a criminal offence committed by the person concerned;
- (e) where the contingency has been wilfully caused by the serious misconduct of the person concerned;
- (f) in appropriate cases, where the person concerned, without good reason, neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and
- (g) in the case of survivors' benefit for a widow, as long as she is living with a man as his wife.

2. In the case and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

Article 33

1. If a person protected is or would otherwise be eligible simultaneously for more than one of the benefits provided for in this Convention, these benefits may be reduced under prescribed conditions and within prescribed limits; the person protected shall receive in total at least the amount of the most favourable benefit.

2. If a person protected is or would otherwise be eligible for a benefit provided for in this Convention and is in receipt of another social security cash benefit for the same contingency, other than a family benefit, the benefit under this Convention may be reduced or suspended under prescribed conditions and within prescribed limits, subject to the part of the benefit which is reduced or suspended not exceeding the other benefit.

Article 34

1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.

2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organisation representative of persons protected.

Article 35

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 36

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

Part VII. Miscellaneous provisions

Article 37

Any Member whose legislation protects employees may, as necessary, exclude from the application of this convention:

- (a) persons whose employment is of a casual nature;
- (b) members of the employer's family living in his house, in respect of their work for him;
- (c) other categories of employees, which shall not exceed in number 10 per cent. of all employees other than those excluded under subparagraphs (a) and (b) of this Article.

Article 38

1. Any Member whose legislation protects employees may, by a declaration accompanying its ratification, temporarily exclude from the application of this Convention the employees in the sector comprising agricultural occupations who are not yet protected by its legislation at the time of the ratification.

2. Each Member which has made a declaration under paragraph 1 of this Article shall indicate in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation to what extent effect is given and what effect is proposed to be given to the provisions of the Convention in respect of the employees in the sector comprising agricultural occupations and any progress which may have been made with a view to the application of the Convention to such employees or, where there is no change to report, furnish all the appropriate explanations.

3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected in the agricultural sector to the extent and with the speed that the circumstances permit.

Article 39

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention:

- (a) seafarers, including sea fishermen,
- (b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of persons taken into account when calculating the percentages specified in paragraph 1, subparagraph (b), and paragraph 2, subparagraph (b), of Article 9; paragraph 1, subparagraph (b), and paragraph 2, subparagraph (b), of Article 16; paragraph 1, subparagraph (b), and paragraph 2, subparagraph (b), of Article 22; and subparagraph (c) of Article 37.

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

Article 40

If a person protected is entitled, under national legislation, in case of death of the breadwinner, to periodical benefits other than a survivors' benefit, such periodical benefits may be assimilated to the survivors' benefit for the application of this Convention.

Article 41

1. A Member which:

- (a) has accepted the obligations of this Convention in respect of Parts II, III and IV, and
- (b) covers a percentage of the economically active population which is at least ten points higher than that required by Article 9, paragraph 1, subparagraph (b), Article 16, paragraph 1, subparagraph (b), and Article 22, paragraph 1, subparagraph (b), or complies with Article 9, paragraph 1, subparagraph (c), Article 16, paragraph 1, subparagraph (c), and Article 22, paragraph 1, subparagraph (c), and
- (c) secures in respect of at least two of the contingencies covered by Parts II, III and IV benefits of an amount corresponding to a percentage at least five points higher than the percentages specified in the Schedule appended to Part V,

may take advantage of the provisions of the following paragraph.

2. Such Member may:

- (a) substitute, for the purposes of Article 11, paragraph 2, subparagraph (b), and Article 24, paragraph 2, subparagraph (b), a period of five years for the period of three years specified therein;
- (b) determine the beneficiaries of survivors' benefits in a manner which is different from that required by Article 21, but which ensures that the total number of beneficiaries does not fall short of the number of beneficiaries which would result from the application of Article 21

3. Each Member which has taken advantage of the provisions of paragraph 2 of this Article shall indicate in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards the matters dealt with in that paragraph and any progress made towards complete application of the terms of the Convention.

Article 42

1. A Member which:

- (a) has accepted the obligations of this Convention in respect of Parts II, III and IV, and
- (b) covers a percentage of the economically active population which is at least ten points higher than that required by Article 9, paragraph 1, subparagraph (b), Article 16, paragraph 1, subparagraph (b), and Article 22, paragraph 1, subparagraph (b), or complies with Article 9, paragraph 1, subparagraph (c), Article 16, paragraph 1, subparagraph (c), and Article 22, paragraph 1, subparagraph (c),

may derogate from particular provisions of Parts II, III and IV: on condition that the total amount of benefits paid under the Part concerned shall be at least equal to 110 per cent. of the total amount which would be obtained by applying all the provisions of that Part.

2. Each Member which has made such a derogation shall indicate in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards such derogation and any progress made towards complete application of the terms of the Convention.

Article 43

This Convention shall not apply to:

- (a) contingencies which occurred before the coming into force of the relevant Part of the Convention for the Member concerned;
- (b) benefits in contingencies occurring after the coming into force of the relevant Part of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

Article 44

1. This Convention revises, on the terms set forth in this Article, the Old-Age Insurance (Industry, etc.) Convention 1933, the Old-Age Insurance (Agriculture) Convention, 1933, the Invalidity Insurance (Industry, etc.) Convention, 1933, the Invalidity Insurance (Agriculture) Convention, 1933, the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933.

2. The legal effect of the acceptance of the obligations of this Convention by a Member which is a party to one or more of the Conventions which have been revised, when this Convention shall have come into force, shall be as follows for that Member:

- (a) acceptance of the obligations of Part II of the Convention shall, *ipso jure*, involve the immediate denunciation of the Invalidity Insurance (Industry, etc.) Convention, 1933, and the Invalidity Insurance (Agriculture) Convention, 1933;
- (b) acceptance of the obligations of Part III of the Convention shall, *ipso jure*, involve the immediate denunciation of the Old-Age Insurance (Industry, etc.) Convention, 1933, and the Old-Age Insurance (Agriculture) Convention, 1933;
- (c) acceptance of the obligations of Part IV of the Convention shall, *ipso jure*, involve the immediate denunciation of the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933.

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

Article 46

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

ANNEX
International standard industrial classification
of all economic activities (Revision 4)*

Division	Description
<i>Section A. Agriculture, Forestry and Fishing</i>	
01	Crop and animal production, hunting and related service activities
02	Forestry and Logging
03	Fishing and aquaculture
<i>Section B. Mining and Quarrying</i>	
05	Mining of coal and lignite
06	Extraction of crude petroleum and natural gas
07	Mining of metal ores
08	Other mining and quarrying
09	Mining support service activities
<i>Section C. Manufacturing</i>	
10	Manufacture of food products
11	Manufacture of beverages
12	Manufacture of tobacco products
13	Manufacture of textiles
14	Manufacture of wearing apparel
15	Manufacture of leather and related products
16	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
17	Manufacture of paper and paper products
18	Printing and reproduction of recorded media
19	Manufacture of coke and refined petroleum products
20	Manufacture of chemicals and chemical products
21	Manufacture of pharmaceuticals, medicinal chemical and botanical products
22	Manufacture of rubber and plastics products
23	Manufacture of other non-metallic mineral products
24	Manufacture of basic metals
25	Manufacture of fabricated metal products, except machinery and equipment
26	Manufacture of computer, electronic and optical products
27	Manufacture of electrical equipment
28	Manufacture of machinery and equipment n.e.c.
29	Manufacture of motor vehicles, trailers and semi-trailers
30	Manufacture of other transport equipment
31	Manufacture of furniture
32	Other manufacturing
33	Repair and installation of machinery and equipment
<i>Section D. Electricity, gas, steam and air conditioning supply</i>	
35	Electricity, gas, steam and air conditioning supply
<i>Section E. Water supply; sewerage, waste management and remediation activities</i>	
36	Water collection, treatment and supply
37	Sewerage

* Note: In accordance with articles 26(7) and 27(5) of the Convention, its original Annex has been updated with the amended version of the International standard industrial classification of all economic activities (ISIC) Rev. 4, as approved by the Statistical Commission of the UN Economic and Social Council in March 2006 (Statistical Papers, Series M No. 4, Rev. 4 – Full text on <http://unstats.un.org/unsd/cr/registry/isic-4.asp>).

Division	Description
38	Waste collection, treatment and disposal activities; materials recovery
39	Remediation activities and other waste management services
Section F. Construction	
41	Construction of buildings
42	Civil engineering
43	Specialized construction activities
Section G. Wholesale and retail trade; repair of motor vehicles and motorcycles	
45	Wholesale and retail trade and repair of motor vehicles and motorcycles
46	Wholesale trade, except of motor vehicles and motorcycles
47	Retail trade, except of motor vehicles and motorcycles
Section H. Transportation and storage	
49	Land transport and transport via pipelines
50	Water transport
51	Air transport
52	Warehousing and support activities for transportation
53	Postal and courier activities
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Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967 (No. 131)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 51st Session (29 June 1967)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7 June 1967, and

Having decided upon the adoption of certain proposals with regard to the revision of the Old-Age Insurance (Industry, etc.) Convention, 1933, the Old-Age Insurance (Agriculture) Convention, 1933, the Invalidity Insurance (Industry, etc.) Convention, 1933, the Invalidity Insurance (Agriculture) Convention, 1933, the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Invalidity, Old-Age and Survivors' Benefits Convention, 1967,

adopts this twenty-ninth day of June of the year one thousand nine hundred and sixty-seven, the following Recommendation, which may be cited as the Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967:

I. General provisions

1. In this Recommendation:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *prescribed* means determined by or in virtue of national legislation;
- (c) the term *dependent* refers to a state of dependency which is presumed to exist in prescribed cases;
- (d) the term *wife* means a wife who is dependent on her husband;
- (e) the term *widow* means a woman who was dependent on her husband at the time of his death;
- (f) the term *child* covers:
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher; and
 - (ii) a child under a prescribed age higher than that specified in subclause (i) of this clause and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions;
- (g) the term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (h) the term *contributory benefits* means benefits the grant of which depends on direct financial participation by the persons protected or their employer or on a qualifying period of occupational activity.

II. Persons protected

2. Members should extend the application of their legislation providing for invalidity and old-age benefits, by stages if necessary, and under appropriate conditions:

- (a) to persons whose employment is of a casual nature;
- (b) to all economically active persons.

3. Members should extend the application of their legislation providing for survivors' benefits, by stages if necessary, and under appropriate conditions, to the wives, children and, as may be prescribed, other dependants of:

- (a) persons whose employment is of a casual nature;
- (b) all economically active persons.

III. Contingencies covered

4. The definition of invalidity should take into account incapacity to engage in an activity involving substantial gain.

5. A reduced benefit should be provided in respect of partial invalidity, under prescribed conditions.

6. With a view to protecting persons who are over a prescribed age but have not attained pensionable age Members should provide benefits, under prescribed conditions, for:

- (a) persons whose unfitness for work is established or presumed;
- (b) persons who have been involuntarily unemployed for a prescribed period; or
- (c) any other prescribed categories of persons for which such a measure is justified on social grounds.

7. The pensionable age should where appropriate be lowered, under prescribed conditions, in respect of any prescribed categories of persons for which such a measure is justified on social grounds.

8. A reduced old-age benefit should be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the legislation giving effect to the Invalidity, Old-Age and Survivors' Benefits Convention, 1967, comes into force, has not satisfied the qualifying conditions prescribed, unless a benefit in conformity with the provisions of paragraph 1, 3 or 4 of Article 18 of that Convention is secured to such person at an age higher than the normal pensionable age.

9. Where the widow's right to a survivors' benefit is conditional on the attainment of a prescribed age, a widow below that age should be given every assistance and all facilities, including training and placement facilities and the provision of benefit where appropriate, to enable her to obtain suitable employment.

10. A widow whose husband had fulfilled the prescribed qualifying conditions, but who does not herself fulfil the conditions for a survivors' benefit, should be entitled to an allowance for a specified period, or a lump-sum death benefit.

11. A contributory old-age benefit, or a contributory survivors' benefit payable to a widow, should not be suspended after a prescribed age solely because the person concerned is gainfully occupied.

12. An invalid and dependent widower should, under prescribed conditions, enjoy the same entitlements to survivors' benefit as a widow.

13. An invalidity benefit should be secured at least to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be five years of contribution, employment or residence.

14. The qualifying period for an invalidity benefit should be eliminated or reduced, under prescribed conditions, in the case of young workers who have not attained a prescribed age.

15. The qualifying period for an invalidity benefit should be eliminated or reduced, under prescribed conditions, where the invalidity is due to an accident.

16. An old-age benefit should be secured at least to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 20 years of contribution or employment or 15 years of residence.

17. Where an old-age benefit is conditional upon a minimum period of contribution or employment, a reduced old-age benefit should be secured at least to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of ten years of contribution or employment.

18. Where an old-age benefit is conditional upon a minimum period of contribution or employment, the amount of the old-age benefit should be increased under prescribed conditions:

- (a) where the grant of the benefit is conditional upon retirement from a prescribed gainful activity, if a person who has reached the pensionable age and has fulfilled the qualifying conditions of contribution or employment prescribed for a benefit defers his retirement;
- (b) where the grant of an old-age benefit is not conditional upon retirement from a prescribed gainful activity, if a person who has reached the pensionable age and has fulfilled the qualifying conditions prescribed for a benefit defers his claim to benefit.

19. A survivors' benefit should be secured at least on the qualifying conditions provided for in Paragraph 13 of this Recommendation for an invalidity benefit.

20. Where the grant of invalidity, old-age and survivors' benefits depends on a period of contribution or employment, at least periods of incapacity due to sickness, accident or maternity and periods of involuntary unemployment, in respect of which benefit was paid, should be assimilated, under prescribed conditions, to periods of contribution or employment in calculating the qualifying period that has been fulfilled by the person concerned.

21. Where the grant of invalidity, old-age and survivors' benefits depends on a qualifying period of contribution or employment, periods of compulsory military service should be assimilated, under prescribed conditions, to periods of contribution or employment in calculating the qualifying period that has been fulfilled by the person concerned.

IV. Benefits

22. The percentages indicated in the Schedule appended to Part V of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967, should be increased by at least ten points.

23. National legislation should fix minimum amounts of invalidity, old-age and survivors' benefits, so as to ensure a minimum standard of living.

24. The amount of invalidity, old-age and survivors' benefits should be periodically adjusted taking account of changes in the general level of earnings or the cost of living.

25. Increments in benefits or supplementary or special benefits should be provided, under prescribed conditions, for pensioners requiring the constant help or attendance of another person.

26. Benefits to which a person protected would otherwise be entitled should not be suspended solely because the person concerned is absent from the territory of the Member.

2.3 Employment injury benefit³

Employment Injury Benefits Convention, 1964 (No. 121) [Schedule I amended in 1980]

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	28 July 1967	Geneva, ILC 48th Session (8 July 1964)	24

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the adoption of certain proposals with regard to benefits in the case of industrial accidents and occupational diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this eighth day of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Employment Injury Benefits Convention, 1964:

Article 1

In this Convention:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *prescribed* means determined by or in virtue of national legislation;
- (c) the term *industrial undertaking* includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;
- (d) the term *dependent* refers to a state of dependency which is presumed to exist in prescribed cases;
- (e) the term *dependent child* covers:
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher, and
 - (ii) a child under a prescribed age higher than that specified in subclause (i) and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, on conditions laid down by national legislation: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in subclause (i).

Article 2

1. A Member whose economic and medical facilities are insufficiently developed may avail itself by a declaration accompanying its ratification of the temporary exceptions provided for in the following Articles: Article 5, Article 9, paragraph 3, clause (b), Article 12, Article 15, paragraph 2, and Article 18, paragraph 3. Any such declaration shall state the reason for such exceptions.

3. Outdated instruments: Workmen's Compensation (Accidents) Convention, 1925 (No. 17); Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18); Workmen's Compensation (Occupational Diseases) Recommendation, 1925 (No. 24); Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42); Workmen's Compensation (Minimum Scale) Recommendation, 1925 (No. 22); Workmen's Compensation (Jurisdiction) Recommendation, 1925 (No. 23).

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

Article 3

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention:

- (a) seafarers, including seafishermen,
- (b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of employees when calculating the percentage of employees in compliance with paragraph 2, clause (d), of Article 4, and with Article 5.

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

Article 4

1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

2. Any Member may make such exceptions as it deems necessary in respect of:

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
- (b) out-workers;
- (c) members of the employer's family living in his house, in respect of their work for him;
- (d) other categories of employees, which shall not exceed in number 10 per cent. of all employees other than those excluded under clauses (a) to (c).

Article 5

Where a declaration provided for in Article 2 is in force, the application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, which shall total in number not less than 75 per cent. of all employees in industrial undertakings, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

Article 6

The contingencies covered shall include the following where due to an employment injury:

- (a) a morbid condition;
- (b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation;
- (c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
- (d) the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.

Article 7

1. Each Member shall prescribe a definition of “industrial accident”, including the conditions under which a commuting accident is considered to be an industrial accident, and shall specify the terms of such definition in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation.

2. Where commuting accidents are covered by social security schemes other than employment injury schemes, and these schemes provide in respect of commuting accidents benefits which, when taken together, are at least equivalent to those required under this Convention, it shall not be necessary to make provision for commuting accidents in the definition of “industrial accident”.

Article 8

Each Member shall:

- (a) prescribe a list of diseases, comprising at least the diseases enumerated in Schedule I to this Convention, which shall be regarded as occupational diseases under prescribed conditions; or
- (b) include in its legislation a general definition of occupational diseases broad enough to cover at least the diseases enumerated in Schedule I to this Convention; or
- (c) prescribe a list of diseases in conformity with clause (a), complemented by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases not so listed or manifesting themselves under conditions different from those prescribed.

Article 9

1. Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of the following benefits:

- (a) medical care and allied benefits in respect of a morbid condition;
- (b) cash benefits in respect of the contingencies specified in Article 6, clauses (b), (c) and (d).

2. Eligibility for benefits may not be made subject to the length of employment, to the duration of insurance or to the payment of contributions: Provided that a period of exposure may be prescribed for occupational diseases.

3. The benefits shall be granted throughout the contingency: Provided that in respect of incapacity for work the cash benefit need not be paid for the first three days:

- (a) where the legislation of a Member provides for a waiting period at the date on which this Convention comes into force, on condition that the Member includes in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement that its reason for availing itself of this provision subsists; or
- (b) where a declaration provided for in Article 2 is in force.

Article 10

1. Medical care and allied benefits in respect of a morbid condition shall comprise:

- (a) general practitioner and specialist in-patient and out-patient care, including domiciliary visiting;
- (b) dental care;
- (c) nursing care at home or in hospital or other medical institutions;
- (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances kept in repair and renewed as necessary, and eyeglasses;

- (f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner; and
- (g) the following treatment at the place of work, wherever possible:
 - (i) emergency treatment of persons sustaining a serious accident;
 - (ii) follow-up treatment of those whose injury is slight and does not entail discontinuance of work.

2. The benefits provided in accordance with paragraph 1 of this Article shall be afforded, using all suitable means, with a view to maintaining, restoring or, where this is not possible, improving the health of the injured person and his ability to work and to attend to his personal needs.

Article 11

1. Any Member which provides medical care and allied benefits by means of a general health scheme or a medical care scheme for employed persons may specify in its legislation that such care shall be made available to persons who have sustained employment injuries on the same terms as to other persons entitled thereto, on condition that the rules on the subject are so designed as to avoid hardship.

2. Any Member which provides medical care and allied benefits by reimbursing expenses may in its legislation make special rules in respect of cases in which the extent, duration or cost of such care exceed reasonable limits, on condition that the rules on the subject are not inconsistent with the purpose stated in paragraph 2 of Article 10 and are so designed as to avoid hardship.

Article 12

Where a declaration provided for in Article 2 is in force, medical care and allied benefits shall include at least:

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the essential pharmaceutical supplies on prescription by a medical or other qualified practitioner;
- (d) hospitalisation, where necessary; and
- (e) wherever possible, emergency treatment at the place of work of persons sustaining an industrial accident.

Article 13

The cash benefit in respect of temporary or initial incapacity for work shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

Article 14

1. Cash benefits in respect of loss of earning capacity likely to be permanent or corresponding loss of faculty shall be payable in all cases in which such loss, in excess of a prescribed degree, remains at the expiration of the period during which benefits are payable in accordance with Article 13.

2. In case of total loss of earning capacity likely to be permanent or corresponding loss of faculty, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

3. In case of substantial partial loss of earning capacity likely to be permanent which is in excess of a prescribed degree, or corresponding loss of faculty, the benefit shall be a periodical payment representing a suitable proportion of that provided for in paragraph 2 of this Article.

4. In case of partial loss of earning capacity likely to be permanent which is not substantial but which is in excess of the prescribed degree referred to in paragraph 1 of this Article, or corresponding loss of faculty, the cash benefit may take the form of a lump-sum payment.

5. The degrees of loss of earning capacity or corresponding loss of faculty referred to in paragraphs 1 and 3 of this Article shall be prescribed in such manner as to avoid hardship.

Article 15

1. In exceptional circumstances, and with the agreement of the injured person, all or part of the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof when the competent authority has reason to believe that such lump sum will be utilised in a manner which is particularly advantageous for the injured person.

2. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

Article 16

Increments in periodical payments or other supplementary or special benefits, as prescribed, shall be provided for disabled persons requiring the constant help or attendance of another person.

Article 17

The conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty shall be reassessed, suspended or cancelled by reference to a change in the degree of loss shall be prescribed.

Article 18

1. The cash benefit in respect of death of the breadwinner shall be a periodical payment to a widow as prescribed, a disabled and dependent widower, dependent children of the deceased and other persons as may be prescribed; this payment shall be calculated in such a manner as to comply either with the requirements of Article 19 or with the requirement of Article 20: Provided that it shall not be necessary to make provision for a benefit to a disabled and dependent widower where the cash benefits to other survivors are appreciably in excess of those required by this Convention and where social security schemes other than employment injury schemes provide to such widower benefits which are appreciably in excess of those in respect of invalidity required under the Social Security (Minimum Standards) Convention, 1952.

2. In addition, a funeral benefit shall be provided at a prescribed rate which shall not be less than the normal cost of a funeral: Provided that where cash benefits to survivors are appreciably in excess of those required by this Convention the right to funeral benefit may be made subject to prescribed conditions.

3. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraph 1 of this Article may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

Article 19

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be:

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
- (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
- (d) a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances, if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

10. No periodical payment shall be less than a prescribed minimum amount.

Article 20

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be:

- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

8. No periodical payment shall be less than a prescribed minimum amount.

Article 21

1. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and paragraph 1 of Article 18 shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation, and shall specify any action taken.

Article 22

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;

- (c) where the person concerned has made a fraudulent claim;
- (d) where the employment injury has been caused by a criminal offence committed by the person concerned;
- (e) where the employment injury has been caused by voluntary intoxication or by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care and allied benefits or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and
- (g) as long as the surviving spouse is living with another person as spouse.

2. In the cases and within the limits prescribed, part of the cash benefit otherwise due shall be paid to the dependants of the person concerned.

Article 23

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. Where a claim is settled by a special tribunal established to deal with employment injury benefit questions or with social security questions in general and on which the persons protected are represented, no right of appeal shall be required.

Article 24

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions or services concerned in the application of this Convention.

Article 25

Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

Article 26

1. Each Member shall, under prescribed conditions:

- (a) take measures to prevent industrial accidents and occupational diseases;
- (b) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and
- (c) take measures to further the placement of disabled persons in suitable employment.

2. Each Member shall as far as possible furnish in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation information concerning the frequency and severity of industrial accidents.

Article 27

Each Member shall within its territory assure to non-nationals equality of treatment with its own nationals as regards employment injury benefits.

Article 28

1. This Convention revises the Workmen's Compensation (Agriculture) Convention, 1921, the Workmen's Compensation (Accidents) Convention, 1925, the Workmen's Compensation (Occupational Diseases) Convention, 1925, and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934.

2. Ratification of this Convention by a Member which is a party to the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934, shall, in accordance with Article 8 thereof, *ipso jure* involve the immediate denunciation of that Convention, if and when this Convention shall have come into force, but the coming into force of this Convention shall not close that Convention to further ratification.

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

Article 30

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

Article 31

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to Schedule I to this Convention.

2. Such amendments shall take effect in respect of any Member already a party to the Convention when such Member notifies the Director-General of the International Labour Office of its acceptance thereof.

3. Unless the Conference otherwise decides when adopting an amendment, an amendment shall be effective, by reason of its adoption by the Conference, in respect of any Member subsequently ratifying the Convention.

SCHEDULE I
List of occupational diseases (amended in 1980)

Occupational diseases	Work involving exposure to risk *
1. Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silico-tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Bronchopulmonary diseases caused by hard-metal dust.	"
3. Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.	"
4. Occupational asthma caused by sensitising agents or irritants both recognised in this regard and inherent in the work process.	"
5. Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as prescribed by national legislation.	"
6. Diseases caused by beryllium or its toxic compounds.	"
7. Diseases caused by cadmium or its toxic compounds.	"
8. Diseases caused by phosphorus or its toxic compounds.	"
9. Diseases caused by chromium or its toxic compounds.	"
10. Diseases caused by manganese or its toxic compounds.	"
11. Diseases caused by arsenic or its toxic compounds.	"
12. Diseases caused by mercury or its toxic compounds.	"
13. Diseases caused by lead or its toxic compounds.	"
14. Diseases caused by fluorine or its toxic compounds.	"
15. Diseases caused by carbon disulfide.	"
16. Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.	"
17. Diseases caused by benzene or its toxic homologues.	"
18. Diseases caused by toxic nitro- and amino-derivatives of benzene or its homologues.	"
19. Diseases caused by nitroglycerin or other nitric acid esters.	"
20. Diseases caused by alcohols, glycols or ketones.	"
21. Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulfide.	"
22. Hearing impairment caused by noise.	"
23. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).	"
24. Diseases caused by work in compressed air.	"
25. Diseases caused by ionising radiations.	All work involving exposure to the action of ionising radiations.
26. Skin diseases caused by physical, chemical or biological agents not included under other items.	All work involving exposure to the risk concerned.
27. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	"
28. Lung cancer or mesotheliomas caused by asbestos.	"
29. Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) Health or laboratory work. (b) Veterinary work. (c) Work handling animals, animal carcasses, parts of such carcasses, or merchandise which may have been contaminated by animals, animal carcasses, or parts of such carcasses. (d) Other work carrying a particular risk of contamination.

* In the application of this Schedule the degree and type of exposure should be taken into account when appropriate.

SCHEDULE II
Periodical payments to standard beneficiaries

Category	Standard beneficiary	Percentage
1. Temporary or initial incapacity for work	Man with wife and two children	60
2. Total loss of earning capacity or corresponding loss of faculty	Man with wife and two children	60
3. Death of breadwinner	Widow with two children	50

ANNEX
International standard industrial classification
of all economic activities (Revision 4)*

Division	Description
<i>Section A. Agriculture, Forestry and Fishing</i>	
01	Crop and animal production, hunting and related service activities
02	Forestry and Logging
03	Fishing and aquaculture
<i>Section B. Mining and Quarrying</i>	
05	Mining of coal and lignite
06	Extraction of crude petroleum and natural gas
07	Mining of metal ores
08	Other mining and quarrying
09	Mining support service activities
<i>Section C. Manufacturing</i>	
10	Manufacture of food products
11	Manufacture of beverages
12	Manufacture of tobacco products
13	Manufacture of textiles
14	Manufacture of wearing apparel
15	Manufacture of leather and related products
16	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
17	Manufacture of paper and paper products
18	Printing and reproduction of recorded media
19	Manufacture of coke and refined petroleum products
20	Manufacture of chemicals and chemical products
21	Manufacture of pharmaceuticals, medicinal chemical and botanical products
22	Manufacture of rubber and plastics products
23	Manufacture of other non-metallic mineral products
24	Manufacture of basic metals
25	Manufacture of fabricated metal products, except machinery and equipment
26	Manufacture of computer, electronic and optical products
27	Manufacture of electrical equipment
28	Manufacture of machinery and equipment n.e.c.
29	Manufacture of motor vehicles, trailers and semi-trailers

* Note: In accordance with articles 19(7) and 20(5) of the Convention, its original Annex has been updated with the amended version of the International standard industrial classification of all economic activities (ISIC) Rev. 4, as approved by the Statistical Commission of the UN Economic and Social Council in March 2006 (Statistical Papers, Series M No. 4, Rev. 4 – Full text on <http://unstats.un.org/unsd/cr/registry/isic-4.asp>).

Division	Description
30	Manufacture of other transport equipment
31	Manufacture of furniture
32	Other manufacturing
33	Repair and installation of machinery and equipment
Section D. Electricity, gas, steam and air conditioning supply	
35	Electricity, gas, steam and air conditioning supply
Section E. Water supply; sewerage, waste management and remediation activities	
36	Water collection, treatment and supply
37	Sewerage
38	Waste collection, treatment and disposal activities; materials recovery
39	Remediation activities and other waste management services
Section F. Construction	
41	Construction of buildings
42	Civil engineering
43	Specialized construction activities
Section G. Wholesale and retail trade; repair of motor vehicles and motorcycles	
45	Wholesale and retail trade and repair of motor vehicles and motorcycles
46	Wholesale trade, except of motor vehicles and motorcycles
47	Retail trade, except of motor vehicles and motorcycles
Section H. Transportation and storage	
49	Land transport and transport via pipelines
50	Water transport
51	Air transport
52	Warehousing and support activities for transportation
53	Postal and courier activities
Section I. Accommodation and food service activities	
55	Accommodation
56	Food and beverage service activities
Section J. Information and communication	
58	Publishing activities
59	Motion picture, video and television programme production, sound recording and music publishing activities
60	Programming and broadcasting activities
61	Telecommunications
62	Computer programming, consultancy and related activities
63	Information service activities
Section K. Financial and insurance activities	
64	Financial service activities, except insurance and pension funding
65	Insurance, reinsurance and pension funding, except compulsory social security
66	Activities auxiliary to financial service and insurance activities
Section L. Real estate activities	
68	Real estate activities
Section M. Professional, scientific and technical activities	
69	Legal and accounting activities
70	Activities of head offices; management consultancy activities

Division	Description
71	Architectural and engineering activities; technical testing and analysis
72	Scientific research and development
73	Advertising and market research
74	Other professional, scientific and technical activities
75	Veterinary activities
Section N. Administrative and support service activities	
77	Rental and leasing activities
78	Employment activities
79	Travel agency, tour operator, reservation service and related activities
80	Security and investigation activities
81	Services to buildings and landscape activities
82	Office administrative, office support and other business support activities
Section O. Public administration and defence; compulsory social security	
84	Public administration and defence; compulsory social security
Section P. Education	
85	Education
Section Q. Human health and social work activities	
86	Human health activities
87	Residential care activities
88	Social work activities without accommodation
Section R. Arts, entertainment and recreation	
90	Creative, arts and entertainment activities
91	Libraries, archives, museums and other cultural activities
92	Gambling and betting activities
93	Sports activities and amusement and recreation activities
Section S. Other service activities	
94	Activities of membership organizations
95	Repair of computers and personal and household goods
96	Other personal service activities
Section T. Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	
97	Activities of households as employers of domestic personnel
98	Undifferentiated goods- and services-producing activities of private households for own use
Section U. Activities of extraterritorial organizations and bodies	
99	Activities of extraterritorial organizations and bodies

Employment Injury Benefits Recommendation, 1964 (No. 121)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 48th Session (8 July 1964)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the adoption of certain proposals with regard to benefits in the case of industrial accidents and occupational diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Injury Benefits Convention, 1964,

adopts this eighth day of July of the year one thousand nine hundred and sixty-four, the following Recommendation, which may be cited as the Employment Injury Benefits Recommendation, 1964:

1. In this Recommendation:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *prescribed* means determined by or in virtue of national legislation;
- (c) the term *dependent* refers to a state of dependency which is presumed to exist in prescribed cases.

2. Each Member should extend the application of its legislation providing for employment injury benefits, if necessary by stages, to any categories of employees which may have been excepted in virtue of Article 4, paragraph 2, of the Employment Injury Benefits Convention, 1964, from the protection provided for in that Convention.

3. (1) Each Member should, subject to prescribed conditions, secure the provision of employment injury or analogous benefits, if necessary by stages and/or through voluntary insurance, to:

- (a) members of co-operatives who are engaged in the production of goods or the provision of services;
- (b) prescribed categories of self-employed persons, in particular persons owning and actively engaged in the operation of small-scale businesses or farms;
- (c) certain categories of persons working without pay, which should include:
 - (i) persons in training, undergoing an occupational or trade test or otherwise preparing for their future employment, including pupils and students;
 - (ii) members of volunteer bodies charged with combating natural disasters, with saving lives and property or with maintaining law and order;
 - (iii) other categories of persons not otherwise covered who are active in the public interest or engaged in civic or benevolent pursuits, such as persons volunteering their services for public office, social service or hospitals;
 - (iv) prisoners and other detained persons doing work which has been required or approved by the competent authorities.

(2) The financial resources of voluntary insurance for the categories referred to in subparagraph (1) of this Paragraph should not be provided from contributions intended to finance the compulsory schemes for employees.

4. Special schemes applicable to seafarers, including seafishermen, and to public servants should provide benefits in case of an employment injury which are not less favourable than those provided for in the Employment Injury Benefits Convention, 1964.

5. Each Member should, under prescribed conditions, treat the following as industrial accidents:

- (a) accidents, regardless of their cause, sustained during working hours at or near the place of work or at any place where the worker would not have been except for his employment;

- (b) accidents sustained within reasonable periods before and after working hours in connection with transporting, cleaning, preparing, securing, conserving, storing and packing work tools or clothes;
- (c) accidents sustained while on the direct way between the place of work and:
 - (i) the employee's principal or secondary residence; or
 - (ii) the place where the employee usually takes his meals; or
 - (iii) the place where he usually receives his remuneration.

6. (1) Each Member should, under prescribed conditions, regard diseases known to arise out of the exposure to substances or dangerous conditions in processes, trades or occupations as occupational diseases.

(2) Unless proof to the contrary is brought, there should be a presumption of the occupational origin of such diseases where the employee:

- (a) was exposed for at least a specified period; and
- (b) has developed symptoms of the disease within a specified period following termination of the last employment involving exposure.

(3) When prescribing and bringing up to date national lists of occupational diseases, Members should give special consideration to any list of occupational diseases which may from time to time be approved by the Governing Body of the International Labour Office.

7. Where national legislation contains a list establishing a presumption of occupational origin in respect of certain diseases, proof should be permitted of the occupational origin of diseases not so listed and of diseases listed when they manifest themselves under conditions different from those establishing a presumption of their occupational origin.

8. Cash benefits in respect of incapacity for work should be paid from the first day in each case of suspension of earnings.

9. The rates of cash benefits in respect of temporary or initial incapacity for work, or in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty, should be:

- (a) not less than two-thirds of the injured person's earnings: Provided that a maximum limit may be prescribed for the rate of benefit or for the earnings taken into account for the calculation of the benefit; or
- (b) where such benefits are provided at flat rates, not less than two-thirds of the average earnings of persons employed in the major group of economic activities with the largest number of economically active male persons.

10. (1) The cash benefit payable by reason of loss of earning capacity likely to be permanent, or corresponding loss of faculty, should take the form of a periodical payment for the duration of such loss in all cases in which the degree of loss equals at least 25 per cent.

(2) In cases in which the degree of loss of earning capacity likely to be permanent, or corresponding loss of faculty, is less than 25 per cent. a lump sum may be paid in lieu of a periodical payment. Such lump sum should bear an equitable relationship to periodical payments and should not be less than the periodical payments which would be due in respect of a period of three years.

11. Provision should be made to defray the reasonable cost of the constant help or attendance of another person in cases in which the injured person requires such services; alternatively, the periodical payment should be increased by either a prescribed percentage or a prescribed amount.

12. Where an employment injury entails unemployability or disfigurement and this is not taken fully into account in the evaluation of the loss sustained by the injured person, supplementary or special benefits should be provided.

13. Where the periodical payments made to the surviving spouse and children are less than the maximum amounts prescribed, a periodical payment should be made to the following categories of persons if they were dependent on the deceased for support:

- (a) parents;
- (b) brothers and sisters;
- (c) grandchildren.

14. Where a maximum limit upon the total benefits payable to all the survivors is prescribed, such maximum should be not less than the rate of benefits payable in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty.

15. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and to paragraph 1 of Article 18 of the Employment Injury Benefits Convention, 1964, should be periodically adjusted, taking account of changes in the general level of earnings or the cost of living.

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	26 Feb 1923	Geneva, ILC 3rd Session (12 Nov 1921)	77 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the protection of agricultural workers against accident, which is included in the fourth item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Workmen's Compensation (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

2.4 Unemployment benefit⁴

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	17 Oct 1991	Geneva, ILC 75th Session (21 June 1988)	8

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-fifth Session on 1 June 1988, and

Emphasising the importance of work and productive employment in any society not only because of the resources which they create for the community, but also because of the income which they bring to workers, the social role which they confer and the feeling of self-esteem which workers derive from them, and

Recalling the existing international standards in the field of employment and unemployment protection (the Unemployment Provision Convention and Recommendation, 1934, the Unemployment (Young Persons) Recommendation, 1935, the Income Security Recommendation, 1944, the Social Security (Minimum Standards) Convention, 1952, the Employment Policy Convention and Recommendation, 1964, the Human Resources Development Convention and Recommendation, 1975, the Labour Administration Convention and Recommendation, 1978, and the Employment Policy (Supplementary Provisions) Recommendation, 1984), and

Considering the widespread unemployment and underemployment affecting various countries throughout the world at all stages of development and in particular the problems of young people, many of whom are seeking their first employment, and

Considering that, since the adoption of the international instruments concerning protection against unemployment referred to above, there have been important new developments in the law and practice of many Members necessitating the revision of existing standards, in particular the Unemployment Provision Convention, 1934, and the adoption of new international standards concerning the promotion of full, productive and freely chosen employment by all appropriate means, including social security, and

Noting that the provisions concerning unemployment benefit in the Social Security (Minimum Standards) Convention, 1952, lay down a level of protection that has now been surpassed by most of the existing compensation schemes in the industrialised countries and, unlike standards concerning other benefits, have not been followed by higher standards, but that the standards in question can still constitute a target for developing countries that are in a position to set up an unemployment compensation scheme, and

Recognising that policies leading to stable, sustained, non-inflationary economic growth and a flexible response to change, as well as to creation and promotion of all forms of productive and freely chosen employment including small undertakings, co-operatives,

4. 1) Outdated recommendation: Unemployment Provision Recommendation, 1934 (No. 44). 2) Shelved Convention: Unemployment Provision Convention, 1934 (No. 44). 3) Withdrawn recommendations: Unemployment (Agriculture) Recommendation, 1921 (No. 11); Unemployment (Young Persons) Recommendation, 1935 (No. 45).

self-employment and local initiatives for employment, even through the re-distribution of resources currently devoted to the financing of purely assistance-oriented activities towards activities which promote employment especially vocational guidance, training and rehabilitation, offer the best protection against the adverse effects of involuntary unemployment, but that involuntary unemployment nevertheless exists and that it is therefore important to ensure that social security systems should provide employment assistance and economic support to those who are involuntarily unemployed, and

Having decided upon the adoption of certain proposals with regard to employment promotion and social security which is the fifth item on the agenda of the session with a view, in particular, to revising the Unemployment Provision Convention, 1934, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-first day of June of the year one thousand nine hundred and eighty-eight the following Convention, which may be cited as the Employment Promotion and Protection against Unemployment Convention, 1988:

I. General provisions

Article 1

In this Convention:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *prescribed* means determined by or in virtue of national legislation.

Article 2

Each Member shall take appropriate steps to co-ordinate its system of protection against unemployment and its employment policy. To this end, it shall seek to ensure that its system of protection against unemployment, and in particular the methods of providing unemployment benefit, contribute to the promotion of full, productive and freely chosen employment, and are not such as to discourage employers from offering and workers from seeking productive employment.

Article 3

The provisions of this Convention shall be implemented in consultation and co-operation with the organisations of employers and workers, in accordance with national practice.

Article 4

1. Each Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude the provisions of Part VII from the obligations accepted by ratification.
2. Each Member which has made a declaration under paragraph 1 above may withdraw it at any time by a subsequent declaration.

Article 5

1. Each Member may avail itself, by a declaration accompanying its ratification, of at most two of the temporary exceptions provided for in Article 10, paragraph 4, Article 11, paragraph 3, Article 15, paragraph 2, Article 18, paragraph 2, Article 19, paragraph 4, Article 23, paragraph 2, Article 24, paragraph 2, and Article 25, paragraph 2. Such a declaration shall state the reasons which justify these exceptions.

2. Notwithstanding the provisions of paragraph 1 above, a Member, where it is justified by the extent of protection of its social security system, may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in Article 10, paragraph 4,

Article 11, paragraph 3, Article 15, paragraph 2, Article 18, paragraph 2, Article 19, paragraph 4, Article 23, paragraph 2, Article 24, paragraph 2 and Article 25, paragraph 2. Such a declaration shall state the reasons which justify these exceptions.

3. Each Member which has made a declaration under paragraph 1 or paragraph 2 shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

4. Each Member which has made a declaration under paragraph 1 or paragraph 2 shall, as appropriate to the terms of such declaration and as circumstances permit:

- (a) cover the contingency of partial unemployment;
- (b) increase the number of persons protected;
- (c) increase the amount of the benefits;
- (d) reduce the length of the waiting period;
- (e) extend the duration of payment of benefits;
- (f) adapt statutory social security schemes to the occupational circumstances of part-time workers;
- (g) endeavour to ensure the provision of medical care to persons in receipt of unemployment benefit and their dependants;
- (h) endeavour to guarantee that the periods during which such benefit is paid will be taken into account for the acquisition of the right to social security benefits and, where appropriate, the calculation of disability, old-age and survivors' benefit.

Article 6

1. Each Member shall ensure equality of treatment for all persons protected, without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, nationality, ethnic or social origin, disability or age.

2. The provisions of paragraph 1 shall not prevent the adoption of special measures which are justified by the circumstances of identified groups under the schemes referred to in Article 12, paragraph 2, or are designed to meet the specific needs of categories of persons who have particular problems in the labour market, in particular disadvantaged groups, or the conclusion between States of bilateral or multilateral agreements relating to unemployment benefits on the basis of reciprocity.

II. Promotion of productive employment

Article 7

Each Member shall declare as a priority objective a policy designed to promote full, productive and freely chosen employment by all appropriate means, including social security. Such means should include, inter alia, employment services, vocational training and vocational guidance.

Article 8

1. Each Member shall endeavour to establish, subject to national law and practice, special programmes to promote additional job opportunities and employment assistance and to encourage freely chosen and productive employment for identified categories of disadvantaged persons having or liable to have difficulties in finding lasting employment such as women,

young workers, disabled persons, older workers, the long-term unemployed, migrant workers lawfully resident in the country and workers affected by structural change.

2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons for whom it undertakes to promote employment programmes.

3. Each Member shall endeavour to extend the promotion of productive employment progressively to a greater number of categories than the number initially covered.

Article 9

The measures envisaged in this Part shall be taken in the light of the Human Resources Development Convention and Recommendation, 1975, and the Employment Policy (supplementary Provisions) Recommendation, 1984.

III. Contingencies covered

Article 10

1. The contingencies covered shall include, under prescribed conditions, full unemployment defined as the loss of earnings due to inability to obtain suitable employment with due regard to the provisions of Article 21, paragraph 2, in the case of a person capable of working, available for work and actually seeking work.

2. Each Member shall endeavour to extend the protection of the Convention, under prescribed conditions, to the following contingencies:

- (a) loss of earnings due to partial unemployment, defined as a temporary reduction in the normal or statutory hours of work; and
- (b) suspension or reduction of earnings due to a temporary suspension of work, without any break in the employment relationship for reasons of, in particular, an economic, technological, structural or similar nature.

3. Each Member shall in addition endeavour to provide the payment of benefits to part-time workers who are actually seeking full-time work. The total of benefits and earnings from their part-time work may be such as to maintain incentives to take up full-time work.

4. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraphs 2 and 3 above may be deferred.

IV. Persons protected

Article 11

1. The persons protected shall comprise prescribed classes of employees, constituting not less than 85 per cent of all employees, including public employees and apprentices.

2. Notwithstanding the provisions of paragraph 1 above, public employees whose employment up to normal retiring age is guaranteed by national laws or regulations may be excluded from protection.

3. Where a declaration made in virtue of Article 5 is in force, the persons protected shall comprise:

- (a) prescribed classes of employees constituting not less than 50 per cent of all employees; or
- (b) where specifically justified by the level of development, prescribed classes of employees constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

V. Methods of protection

Article 12

1. Unless it is otherwise provided in this Convention, each Member may determine the method or methods of protection by which it chooses to put into effect the provisions of the Convention, whether by a contributory or non-contributory system, or by a combination of such systems.

2. Nevertheless, if the legislation of a Member protects all residents whose resources, during the contingency, do not exceed prescribed limits, the protection afforded may be limited, in the light of the resources of the beneficiary and his or her family, in accordance with the provisions of Article 16.

VI. Benefit to be provided

Article 13

Benefits provided in the form of periodical payments to the unemployed may be related to the methods of protection.

Article 14

In cases of full unemployment, benefits shall be provided in the form of periodical payments calculated in such a way as to provide the beneficiary with partial and transitional wage replacement and, at the same time, to avoid creating disincentives either to work or to employment creation.

Article 15

1. In cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship, when this contingency is covered, benefits shall be provided in the form of periodical payments, calculated as follows:

- (a) where these benefits are based on the contributions of or on behalf of the person protected or on previous earnings, they shall be fixed at not less than 50 per cent of previous earnings, it being permitted to fix a maximum for the amount of the benefit or for the earnings to be taken into account, which may be related, for example, to the wage of a skilled manual employee or to the average wage of workers in the region concerned;
- (b) where such benefits are not based on contributions or previous earnings, they shall be fixed at not less than 50 per cent of the statutory minimum wage or of the wage of an ordinary labourer, or at a level which provides the minimum essential for basic living expenses, whichever is the highest;

2. Where a declaration made in virtue of Article 5 is in force, the amount of the benefits shall be equal:

- (a) to not less than 45 per cent of the previous earnings; or
- (b) to not less than 45 per cent of the statutory minimum wage or of the wage of an ordinary labourer but no less than a level which provides the minimum essential for basic living expenses.

3. If appropriate, the percentages specified in paragraphs 1 and 2 may be reached by comparing net periodical payments after tax and contributions with net earnings after tax and contributions.

Article 16

Notwithstanding the provisions of Article 15, the benefit provided beyond the initial period specified in Article 19, paragraph 2 (a), as well as benefits paid by a Member in accordance with Article 12, paragraph 2, may be fixed after taking account of other resources,

beyond a prescribed limit, available to the beneficiary and his or her family, in accordance with a prescribed scale. In any case, these benefits, in combination with any other benefits to which they may be entitled, shall guarantee them healthy and reasonable living conditions in accordance with national standards.

Article 17

1. Where the legislation of a Member makes the right to unemployment benefit conditional upon the completion of a qualifying period, this period shall not exceed the length deemed necessary to prevent abuse.

2. Each Member shall endeavour to adapt the qualifying period to the occupational circumstances of seasonal workers.

Article 18

1. If the legislation of a Member provides that the payment of benefit in cases of full unemployment should begin only after the expiry of a waiting period, such period shall not exceed seven days.

2. Where a declaration made in virtue of Article 5 is in force, the length of the waiting period shall not exceed ten days.

3. In the case of seasonal workers the waiting period specified in paragraph 1 above may be adapted to their occupational circumstances.

Article 19

1. The benefits provided in cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship shall be paid throughout these contingencies.

2. Nevertheless, in the case of full unemployment:

- (a) the initial duration of payment of the benefit provided for in Article 15 may be limited to 26 weeks in each spell of unemployment, or to 39 weeks over any period of 24 months;
- (b) in the event of unemployment continuing beyond this initial period of benefit, the duration of payment of benefit, which may be calculated in the light of the resources of the beneficiary and his or her family in accordance with the provisions of Article 16, may be limited to a prescribed period.

3. If the legislation of a Member provides that the initial duration of payment of the benefit provided for in Article 15 shall vary with the length of the qualifying period, the average duration fixed for the payment of benefits shall be at least 26 weeks.

4. Where a declaration made in virtue of Article 5 is in force, the duration of payment of benefit may be limited to 13 weeks over any periods of 12 months or to an average of 13 weeks if the legislation provides that the initial duration of payment shall vary with the length of the qualifying period.

5. In the cases envisaged in paragraph 2 (b) above each Member shall endeavour to grant appropriate additional assistance to the persons concerned with a view to permitting them to find productive and freely chosen employment, having recourse in particular to the measures specified in Part II.

6. The duration of payment of benefit to seasonal workers may be adapted to their occupational circumstances, without prejudice to the provisions of paragraph 2 (b) above.

Article 20

The benefit to which a protected person would have been entitled in the cases of full or partial unemployment or suspension of earnings due to a temporary suspension of work

without any break in the employment relationship may be refused, withdrawn, suspended or reduced to the extent prescribed:

- (a) for as long as the person concerned is absent from the territory of the Member;
- (b) when it has been determined by the competent authority that the person concerned had deliberately contributed to his or her own dismissal;
- (c) when it has been determined by the competent authority that the person concerned has left employment voluntarily without just cause;
- (d) during the period of a labour dispute, when the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute;
- (e) when the person concerned has attempted to obtain or has obtained benefits fraudulently;
- (f) when the person concerned has failed without just cause to use the facilities available for placement, vocational guidance, training, retraining or redeployment in suitable work;
- (g) as long as the person concerned is in receipt of another income maintenance benefit provided for in the legislation of the Member concerned, except a family benefit, provided that the part of the benefit which is suspended does not exceed that other benefit.

Article 21

1. The benefit to which a protected person would have been entitled in the case of full unemployment may be refused, withdrawn, suspended or reduced, to the extent prescribed, when the person concerned refuses to accept suitable employment.

2. In assessing the suitability of employment, account shall be taken, in particular, under prescribed conditions and to an appropriate extent, of the age of unemployed persons, their length of service in their former occupation, their acquired experience, the length of their period of unemployment, the labour market situation, the impact of the employment in question on their personal and family situation and whether the employment is vacant as a direct result of a stoppage of work due to an on-going labour dispute.

Article 22

When protected persons have received directly from their employer or from any other source under national laws or regulations or collective agreements, severance pay, the principal purpose of which is to contribute towards compensating them for the loss of earnings suffered in the event of full unemployment-

- (a) the unemployment benefit to which the persons concerned would be entitled may be suspended for a period corresponding to that during which the severance pay compensates for the loss of earnings suffered; or
- (b) the severance pay may be reduced by an amount corresponding to the value converted into a lump sum of the unemployment benefit to which the persons concerned are entitled for a period corresponding to that during which the severance pay compensates for the loss of earnings suffered,

as each Member may decide.

Article 23

1. Each Member whose legislation provides for the right to medical care and makes it directly or indirectly conditional upon occupational activity shall endeavour to ensure, under prescribed conditions, the provision of medical care to persons in receipt of unemployment benefit and to their dependants.

2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

Article 24

1. Each Member shall endeavour to guarantee to persons in receipt of unemployment benefit, under prescribed conditions, that the periods during which benefits are paid will be taken into consideration:

- (a) for acquisition of the right to and, where appropriate, calculation of disability, old-age and survivors' benefit, and
- (b) for acquisition of the right to medical care and sickness, maternity and family benefit after the end of unemployment,

when the legislation of the Member concerned provides for such benefits and makes them directly or indirectly conditional upon occupational activity.

2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

Article 25

1. Each Member shall ensure that statutory social security schemes which are based on occupational activity are adjusted to the occupational circumstances of part-time workers, unless their hours of work or earnings can be considered, under prescribed conditions, as negligible.

2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

VII. Special provisions for new applicants for employment*Article 26*

1. Members shall take account of the fact that there are many categories of persons seeking work who have never been, or have ceased to be, recognised as unemployed or have never been, or have ceased to be, covered by schemes for the protection of the unemployed. Consequently, at least three of the following ten categories of persons seeking work shall receive social benefits, in accordance with prescribed terms and conditions:

- (a) young persons who have completed their vocational training;
- (b) young persons who have completed their studies;
- (c) young persons who have completed their compulsory military service;
- (d) persons after a period devoted to bringing up a child or caring for someone who is sick, disabled or elderly;
- (e) persons whose spouse had died, when they are not entitled to a survivor's benefit;
- (f) divorced or separated persons;
- (g) released prisoners;
- (h) adults, including disabled persons, who have completed a period of training;
- (i) migrant workers on return to their home country, except in so far as they have acquired rights under the legislation of the country where they last worked;
- (j) previously self-employed persons.

2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons listed in paragraph 1 above which it undertakes to protect.

3. Each Member shall endeavour to extend protection progressively to a greater number of categories than the number initially protected.

VIII. Legal, administrative and financial guarantees

Article 27

1. In the event of refusal, withdrawal, suspension or reduction of benefit or dispute as to its amount, claimants shall have the right to present a complaint to the body administering the benefit scheme and to appeal thereafter to an independent body. They shall be informed in writing of the procedures available, which shall be simple and rapid.

2. The appeal procedure shall enable the claimant, in accordance with national law and practice, to be represented or assisted by a qualified person of the claimant's choice or by a delegate of a representative workers' organisation or by a delegate of an organisation representative of protected persons.

Article 28

Each Member shall assume general responsibility for the sound administration of the institutions and services entrusted with the application of the Convention.

Article 29

1. When the administration is directly entrusted to a government department responsible to Parliament, representatives of the protected persons and of the employers shall be associated in the administration in an advisory capacity, under prescribed conditions.

2. When the administration is not entrusted to a government department responsible to Parliament:

- (a) representatives of the protected persons shall participate in the administration or be associated therewith in an advisory capacity under prescribed conditions;
- (b) national laws or regulations may also provide for the participation of employers' representatives;
- (c) the laws or regulations may further provide for the participation of representatives of the public authorities.

Article 30

In cases where subsidies are granted by the State or the social security system in order to safeguard employment, Members shall take the necessary steps to ensure that the payments are expended only for the intended purpose and to prevent fraud or abuse by those who receive such payments.

Article 31

This Convention revises the Unemployment Provision Convention, 1934.

Employment Promotion and Protection against Unemployment Recommendation, 1988 (No. 176)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 75th Session (21 June 1900)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-fifth Session on 1 June 1988, and
 Having decided upon the adoption of certain proposals with regard to employment promotion and social security which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Promotion and Protection against Unemployment Convention, 1988,
 adopts this twenty-first day of June of the year one thousand nine hundred and eighty-eight, the following Recommendation, which may be cited as the Employment Promotion and Protection against Unemployment Recommendation, 1988.

I. General provisions

1. In this Recommendation:
 - (a) the term *legislation* includes any social security rules as well as laws and regulations;
 - (b) the term *prescribed* means determined by or in virtue of national legislation;
 - (c) the term *the Convention* means the Employment Promotion and Protection against Unemployment Convention, 1988.

II. Promotion of productive employment

2. The promotion of full, productive and freely chosen employment by all appropriate means, including through social security, should be a priority objective of national policy. Such means should include, inter alia, employment services, vocational training and vocational guidance.
3. In periods of economic crisis, adjustment policies should include, under prescribed conditions, measures to encourage initiatives which involve the maximum use of labour on a large scale.
4. Members should endeavour to grant in particular, under prescribed conditions and in the most appropriate manner, by way of occupational mobility incentives:
 - (a) allowances towards the costs of travel and equipment necessary to take advantage of the services provided for in Paragraph 2 above;
 - (b) allowances in the form of periodical payments calculated in accordance with the provisions of Article 15 of the Convention for a prescribed period of vocational training or retraining.
5. Members should in addition consider granting in particular, under prescribed conditions and in the most appropriate manner, by way of occupational or geographical mobility incentives:
 - (a) temporary degressive allowances designed to offset, where appropriate, a reduction in pay as a result of redeployment;
 - (b) allowances towards travel and removal costs;
 - (c) separation allowances;
 - (d) resettlement grants.
6. Members should ensure co-ordination of statutory pension schemes and encourage co-ordination of private pension schemes in order to remove barriers to occupational mobility.
7. Members should offer to protected persons, under prescribed conditions, facilities to enable them to engage in remunerated temporary employment without endangering the employment of other workers and with the purpose of improving their own chances of obtaining productive and freely chosen employment.

8. Members should, as far as possible, offer to unemployed persons who wish to set up their own business or take up another economic activity, financial assistance and advisory services under prescribed conditions.

9. Members should give consideration to the conclusion of bilateral and multilateral agreements which provide for assistance to foreign workers protected by their legislation who freely wish to return to the territory of the State of which they are nationals or in which they formerly resided. Where such agreements do not exist, Members should provide, through national legislation, financial assistance to the workers concerned.

10. Members should, in accordance, if appropriate, with provisions in multilateral agreements, invest any reserves accumulated by statutory pension schemes and provident funds in such a way as to promote and not to discourage employment within the country, and encourage such investment from private sources, including private pension schemes, while at the same time affording the necessary guarantees of security and yield of the investment.

11. The progressive introduction in rural and urban areas of community services, including health-care services, financed by social security contributions or by other sources, should lead to increased employment and the provision of training of personnel, while at the same time making a practical contribution to the achievement of national objectives regarding employment promotion.

III. Protection of unemployed persons

12. In case of partial unemployment and in the case referred to in Article 10, paragraph 3, of the Convention, benefit should be provided, under prescribed conditions, in the form of periodical payments fairly compensating for the loss of earnings due to unemployment. These benefits might be calculated in the light of the reduction of hours of work suffered by the unemployed persons or so that the total of the benefit and the earnings from the part-time work reaches a sum between the amount of the previous earnings from full-time work and the amount of the full unemployment benefit, so as not to discourage part-time or temporary work, when these forms of work may assist in a return to full-time work.

13. (1) The percentages specified in Article 15 of the Convention for the calculation of benefits should be reached on the basis of the gross earnings of the beneficiary before tax and social security contributions.

(2) If appropriate, these percentages may be reached by comparing net periodical payments after tax and contributions with net earnings after tax and contributions.

14. (1) The concept of suitable employment should, under prescribed conditions, not apply to:

- (a) employment involving a change of occupation which does not take account of the abilities, qualifications, skills, work experience or the retraining potential of the person concerned;
- (b) employment involving a change of residence to a place in which suitable accommodation is not available;
- (c) employment in which the conditions and remuneration are appreciably less favourable than those which are generally granted, at the relevant time, in the occupation and district in which the employment is offered;
- (d) employment vacant as a direct result of a stoppage due to an ongoing labour dispute;
- (e) employment such that, for a reason other than those covered in clauses (a) to (d), and with due regard to all attendant circumstances, including the family responsibilities of the person concerned, the refusal of the employment is not unreasonable.

(2) In assessing the criteria specified in clauses (a) to (c) and (e) above, account should be taken in general of the age of the unemployed persons, of their length of service in their former occupation, of their acquired experience, of the duration of their unemployment, of the state of the labour market and of the repercussions of the employment on their personal and family situations.

15. If an unemployed person has agreed to accept, for a prescribed maximum period, temporary employment which cannot be regarded as suitable within the meaning of Paragraph 14 above, or part-time employment in the circumstances covered in Article 10, paragraph 3, of the Convention, the level and duration of unemployment benefit paid at the end of such employment should not be adversely affected by the earnings of the unemployed person from that employment.

16. Members should endeavour to extend progressively the application of their legislation concerning unemployment benefit to cover all employees. However, public employees whose employment up to normal retirement age is guaranteed by national laws or regulations may be excluded from protection.

17. Members should endeavour to protect workers who are experiencing hardship in a waiting period.

18. The following provisions should be applicable, as appropriate, to the categories of persons mentioned in Article 26, paragraph 1, of the Convention:

- (a) in cases of full unemployment, the benefit may be calculated in accordance with the provisions of Article 16 of the Convention;
- (b) the qualifying period should be adapted or waived, under prescribed conditions, for certain of the categories of persons newly seeking work;
- (c) when benefit is provided without a qualifying period:
 - (i) the waiting period may be increased to a prescribed length;
 - (ii) the duration of payment of benefit may be limited under prescribed conditions notwithstanding the provision of Article 19, paragraph 1, of the Convention.

19. When the duration of payment of benefit is limited by national legislation, it should be extended, under prescribed conditions, until pensionable age for unemployed persons who have reached a prescribed age prior to the pensionable age.

20. Members whose legislation provides for the rights to medical care and makes it directly or indirectly conditional upon occupational activity should endeavour to ensure, under prescribed conditions, the provision of medical care to unemployed persons, including, if possible, those who are not in receipt of unemployment benefit, and to their dependants.

21. Members should endeavour to guarantee to persons in receipt of unemployment benefit, under prescribed conditions, that the periods during which benefits are paid will be taken into consideration:

- (a) for acquisition of the right to and, where appropriate, calculation of disability, old-age and survivors' benefit, and
- (b) for acquisition of the right to medical care and sickness, maternity and family benefit after the end of unemployment, when the legislation of the Member concerned provides for such benefits and makes them directly or indirectly conditional upon occupational activity.

22. Members should endeavour to make adjustments of statutory social security schemes which are based on occupational activity to the occupational circumstances of part-time workers. Such adjustments, provided for in Article 25 of the Convention, should relate in particular, under prescribed conditions to:

- (a) the minimum hours of work and minimum earnings necessary for the entitlement to benefits under the basic and supplementary schemes;
- (b) maximum earnings for the calculation of contributions;
- (c) the qualifying period for entitlement to benefit;
- (d) the methods of calculating cash benefits, in particular pensions, on the basis of earnings and of the length of the period of contribution, insurance or occupational activity;
- (e) entitlement to non-reduced minimum benefits and flat-rate benefits, in particular family allowances.

23. Members should endeavour to promote a real understanding of the hardships of unemployed persons, particularly those who have been unemployed for a long period, and their need for sufficient income.

IV. Development and improvement of systems of protection

24. Since the systems of protection for the unemployed of some Members are in the early stages of development and others may have to consider changes to existing schemes in the light of changing needs, a variety of approaches may legitimately be taken in assisting the unemployed, and Members should give high priority to a full and frank exchange of information on programmes of assistance for the unemployed.

25. With a view to reaching at least the standards laid down in Part IV (Unemployment Benefit) of the Social Security (Minimum Standards) Convention, 1952, Members which intend to develop their system of protection against unemployment should be guided, in so far as is possible and appropriate, by the following provisions.

26. (1) Members should be aware of the technical and administrative difficulties involved in the planning and introduction of social security mechanisms for the compensation of unemployment. In order to introduce forms of unemployment compensation through the payment of benefits of a non-discretionary nature, they should seek to meet the following conditions as soon as possible:

- (a) the introduction and satisfactory operation of a free public employment service containing a network of employment offices and having acquired sufficient administrative capacity to collect and analyse information on the employment market, to register job offers and jobseekers and to verify objectively that persons are involuntarily unemployed;
- (b) a reasonable level of coverage by and extensive experience in the administration of other branches of social security deemed to have priority on social and economic grounds, such as primary health care and compensation for employment accidents.

(2) Members should, as a major priority, seek to meet the conditions set out in subparagraph (1) above by promoting a sufficiently high level of stable employment offering adequate wages and working conditions, in particular through necessary and appropriate measures, such as vocational guidance and training, to facilitate voluntary matching of skills on the labour market to available job vacancies.

(3) The co-operation and technical advice of the International Labour Office should continue to be put to good advantage in supporting any initiative taken by Members in this respect in cases where there is insufficient national expertise.

(4) When the conditions specified in subparagraph (1) above are met, Members should, as rapidly as their resources permit, and if necessary in stages, introduce programmes for the protection of the unemployed, including social security mechanisms for the compensation of unemployment.

27. In cases where the conditions referred to in Paragraph 26(1) are not met, Members should give priority to special assistance measures for the most needy unemployed persons, to the extent permitted by the available resources and in the context of national conditions.

28. Members which have set up a national provident fund might examine the possibility of authorising the payment of periodical cash benefits to the holders of accounts whose earnings are interrupted by long-term unemployment and whose family situation is precarious in order to provide for their essential needs. The level of this benefit and the period during which it is payable might be limited according to the circumstances, in particular the amount credited to the account.

29. Members might also encourage employers' and workers' organisations to set up assistance funds at the enterprise or inter-enterprise level. These could advantageously be introduced in the enterprises and sectors of activity which have sufficient economic capacity.

30. Members whose laws or regulations require employers to make severance payments to workers who have lost their jobs should envisage making provision for the employers to bear this responsibility in common through the creation of funds financed by employers' contributions, so as to ensure the receipt of these payments by the workers concerned.

3. Social security for migrant workers⁵

Equality of Treatment (Social Security) Convention, 1962 (No. 118)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	25 Apr 1964	Geneva, ILC 46th Session (28 June 1962)	38 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals with regard to equality of treatment of nationals and non-nationals in social security, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-two the following Convention, which may be cited as the Equality of Treatment (Social Security) Convention, 1962:

Article 1

In this Convention:

- (a) the term **legislation** includes any social security rules as well as laws and regulations;
- (b) the term **benefits** refers to all benefits, grants and pensions, including any supplements or increments;
- (c) the term **benefits granted under transitional schemes** means either benefits granted to persons who have exceeded a prescribed age at the date when the legislation applicable came into force, or benefits granted as a transitional measure in consideration of events occurring or periods completed outside the present boundaries of the territory of a Member;
- (d) the term **death grant** means any lump sum payable in the event of death;
- (e) the term **residence** means ordinary residence;
- (f) the term **prescribed** means determined by or in virtue of national legislation as defined in subparagraph (a) above;
- (g) the term **refugee** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951;
- (h) the term **stateless person** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954.

Article 2

1. Each Member may accept the obligations of this Convention in respect of any one or more of the following branches of social security for which it has in effective operation legislation covering its own nationals within its own territory:

- (a) medical care;
- (b) sickness benefit;

5. Shelved convention: Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)

- (c) maternity benefit;
- (d) invalidity benefit;
- (e) old-age benefit;
- (f) survivors' benefit;
- (g) employment injury benefit;
- (h) unemployment benefit; and
- (i) family benefit.

2. Each Member for which this Convention is in force shall comply with its provisions in respect of the branch or branches of social security for which it has accepted the obligations of the Convention.

3. Each Member shall specify in its ratification in respect of which branch or branches of social security it accepts the obligations of this Convention.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more branches of social security not already specified in its ratification.

5. The undertakings referred to in paragraph 4 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

6. For the purpose of the application of this Convention, each Member accepting the obligations thereof in respect of any branch of social security which has legislation providing for benefits of the type indicated in clause (a) or (b) below shall communicate to the Director-General of the International Labour Office a statement indicating the benefits provided for by its legislation which it considers to be:

- (a) benefits other than those the grant of which depends either on direct financial participation by the persons protected or their employer, or on a qualifying period of occupational activity; or
- (b) benefits granted under transitional schemes.

7. The communication referred to in paragraph 6 of this Article shall be made at the time of ratification or at the time of notification in accordance with paragraph 4 of this Article; as regards any legislation adopted subsequently, the communication shall be made within three months of the date of the adoption of such legislation.

Article 3

1. Each Member for which this Convention is in force shall grant within its territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation with its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.

2. In the case of survivors' benefits, such equality of treatment shall also be granted to the survivors of the nationals of a Member for which the Convention is in force, irrespective of the nationality of such survivors.

3. Nothing in the preceding paragraphs of this Article shall require a Member to apply the provisions of these paragraphs, in respect of the benefits of a specified branch of social security, to the nationals of another Member which has legislation relating to that branch but does not grant equality of treatment in respect thereof to the nationals of the first Member.

Article 4

1. Equality of treatment as regards the grant of benefits shall be accorded without any condition of residence: Provided that equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of nationals of any Member the legislation of which makes the grant of benefits under that branch conditional on residence on its territory.

2. Notwithstanding the provisions of paragraph 1 of this Article, the grant of the benefits referred to in paragraph 6 (a) of Article 2 – other than medical care, sickness benefit, employment injury benefit and family benefit – may be made subject to the condition that the beneficiary has resided on the territory of the Member in virtue of the legislation of which the benefit is due, or, in the case of a survivor, that the deceased had resided there, for a period which shall not exceed:

- (a) six months immediately preceding the filing of claim, for grant of maternity benefit and unemployment benefit;
- (b) five consecutive years immediately preceding the filing of claim, for grant of invalidity benefit, or immediately preceding death, for grant of survivors' benefit;
- (c) ten years after the age of 18, which may include five consecutive years immediately preceding the filing of claim, for grant of old-age benefit.

3. Special provisions may be prescribed in respect of benefits granted under transitional schemes.

4. The measures necessary to prevent the cumulation of benefits shall be determined, as necessary, by special arrangements between the Members concerned.

Article 5

1. In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of the branch or branches of social security concerned shall guarantee both to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention in respect of the branch or branches in question, when they are resident abroad, provision of invalidity benefits, old-age benefits, survivors' benefits and death grants, and employment injury pensions, subject to measures for this purpose being taken, where necessary, in accordance with Article 8.

2. In case of residence abroad, the provision of invalidity, old-age and survivors' benefits of the type referred to in paragraph 6 (a) of Article 2 may be made subject to the participation of the Members concerned in schemes for the maintenance of rights as provided for in Article 7.

3. The provisions of this Article do not apply to benefits granted under transitional schemes.

Article 6

In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of family benefit shall guarantee the grant of family allowances both to its own nationals and to the nationals of any other Member which has accepted the obligations of this Convention for that branch, in respect of children who reside on the territory of any such Member, under conditions and within limits to be agreed upon by the Members concerned.

Article 7

1. Members for which this Convention is in force shall, upon terms being agreed between the Members concerned in accordance with Article 8, endeavour to participate in schemes for the maintenance of the acquired rights and rights in course of acquisition under their

legislation of the nationals of Members for which the Convention is in force, for all branches of social security in respect of which the Members concerned have accepted the obligations of the Convention.

2. Such schemes shall provide, in particular, for the totalisation of periods of insurance, employment or residence and of assimilated periods for the purpose of the acquisition, maintenance or recovery of rights and for the calculation of benefits.

3. The cost of invalidity, old-age and survivors' benefits as so determined shall either be shared among the Members concerned, or be borne by the Member on whose territory the beneficiaries reside, as may be agreed upon by the Members concerned.

Article 8

The Members for which this Convention is in force may give effect to their obligations under the provisions of Articles 5 and 7 by ratification of the Maintenance of Migrants' Pension Rights Convention, 1935, by the application of the provisions of that Convention as between particular Members by mutual agreement, or by any multilateral or bilateral agreement giving effect to these obligations.

Article 9

The provisions of this Convention may be derogated from by agreements between Members which do not affect the rights and duties of other Members and which make provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable on the whole as those provided for in this Convention.

Article 10

1. The provisions of this Convention apply to refugees and stateless persons without any condition of reciprocity.

2. This Convention does not apply to special schemes for civil servants, special schemes for war victims, or public assistance.

3. This Convention does not require any Member to apply the provisions thereof to persons who, in accordance with the provisions of international instruments, are exempted from its national social security legislation.

Article 11

The Members for which this Convention is in force shall afford each other administrative assistance free of charge with a view to facilitating the application of the Convention and the execution of their respective social security legislation.

Article 12

1. This Convention does not apply to benefits payable prior to the coming into force of the Convention for the Member concerned in respect of the branch of social security under which the benefit is payable.

2. The extent to which the Convention applies to benefits attributable to contingencies occurring before its coming into force for the Member concerned in respect of the branch of social security under which the benefit is payable thereafter shall be determined by multilateral or bilateral agreement or in default thereof by the legislation of the Member concerned.

Article 13

This Convention shall not be regarded as revising any existing Convention.

Maintenance of Social Security Rights Convention, 1982 (No. 157)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 Sep 1986	Geneva, ILC 68th Session (21 June 1982)	4

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-eighth Session on 2 June 1982, and

Recalling the principles established by the Equality of Treatment (Social Security) Convention, 1962, which relate not only to equality of treatment but also to the maintenance of acquired rights and of rights in course of acquisition, and

Considering it necessary to provide for the application of the principles of the maintenance of rights in course of acquisition and of acquired rights in respect of all the branches of social security covered by the Social Security (Minimum Standards) Convention, 1952, and

Having decided upon the adoption of certain proposals with regard to maintenance of migrant workers' rights in social security (revision of Convention No. 48), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-first day of June of the year one thousand nine hundred and eighty-two the following Convention, which may be cited as the Maintenance of Social Security Rights Convention, 1982:

Part I. General provisions

Article 1

In this Convention:

- (a) the term **Member** means any Member of the International Labour Organisation that is bound by the Convention;
- (b) the term **legislation** includes any social security rules as well as laws and regulations;
- (c) the term **competent Member** means the Member under whose legislation the person concerned can claim benefit;
- (d) the term **institution** means the body or authority directly responsible for applying all or part of the legislation of a Member;
- (e) the term **refugee** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967;
- (f) the term **stateless person** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
- (g) the term **members of the family** means persons defined or recognised as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the Members concerned; where persons are defined or recognised as members of the family or as members of the household under the relevant legislation only on the condition that they

are living with the person concerned, this condition shall be deemed to be satisfied in respect of persons who obtain their main support from the person concerned;

- (h) the term *survivors* means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (i) the term *residence* means ordinary residence;
- (j) the term *temporary residence* means a temporary stay;
- (k) the term *periods of insurance* means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (l) the terms *periods of employment* and *periods of occupational activity* mean periods defined or recognised as such by the legislation under which they were completed and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity respectively;
- (m) the term *periods of residence* means periods of residence defined or recognised as such by the legislation under which they were completed;
- (n) the term *non-contributory* applies to benefits the award of which does not depend on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity, and to any scheme which exclusively awards such benefits;
- (o) the term *benefits awarded under transitional arrangements* covers benefits awarded to persons who are over a given age on the date of entry into force of the legislation applicable, as well as benefits awarded, as a transitional measure, in consideration of events that have occurred or periods that have been completed outside the current frontiers of the territory of a Member.

Article 2

1. Subject to the provisions of paragraph 1 and of paragraph 3, subparagraph (a), of Article 4, this Convention applies to those of the following branches of social security for which a Member has legislation in force:

- (a) medical care;
- (b) sickness benefit;
- (c) maternity benefit;
- (d) invalidity benefit;
- (e) old-age benefit;
- (f) survivors' benefit;
- (g) employment injury benefit, namely benefit in respect of occupational injuries and diseases;
- (h) unemployment benefit; and
- (i) family benefit.

2. This Convention applies to rehabilitation benefits provided by legislation concerning any of the branches of social security referred to in paragraph 1 of this Article.

3. This Convention applies to all general and special social security schemes, both contributory and non-contributory, as well as to schemes consisting of obligations imposed on employers by legislation in respect of any branch of social security referred to in paragraph 1 of this Article.

4. This Convention does not apply to special schemes for civil servants, to special schemes for war victims or to social or medical assistance schemes.

Article 3

1. Subject to the provisions of paragraph 1 and paragraph 3, subparagraph (b), of Article 4 and of paragraph 1 of Article 9, this Convention applies to persons who are or have been subject to the legislation of one or more Members, as well as to the members of their families and to their survivors, in all cases in which the international system for the maintenance of rights established by this Convention requires that account be taken of the legislation of a Member other than the Member in whose territory the persons concerned are resident or temporarily resident.

2. This Convention does not require any Member to apply its provisions to persons who, by virtue of international instruments, are exempted from the application of the legislation of that Member.

Article 4

1. Members may give effect to their obligations under the terms of Parts II to VI of this Convention by bilateral or multilateral instruments giving effect to these obligations, under conditions to be determined by mutual agreement between the Members concerned.

2. Notwithstanding the provisions of paragraph 1 of this Article, the provisions of paragraph 4 of Article 7, of paragraphs 2 and 3 of Article 8, of paragraphs 1 and 4 of Article 9, of Article 11, of Article 12, of Article 14 and of paragraph 3 of Article 18 of this Convention shall be immediately applied by each Member as from the coming into force of this Convention for that Member.

3. The instruments referred to in paragraph 1 of this Article shall specify in particular:

- (a) the branches of social security to which they apply, having regard to the requirement of reciprocity referred to in Articles 6 and 10 of this Convention; these branches shall, where the Members concerned have legislation covering them, comprise at least invalidity benefits, old-age benefits, survivors' benefits and pensions in respect of employment injuries, including death grants, as well as, subject to the provisions of paragraph 1 of Article 10 of this Convention, medical care, sickness benefits, maternity benefits and benefits in respect of employment injuries, other than pensions and death grants;
- (b) the categories of persons to which they are applicable; these categories shall comprise at least employees (including, as appropriate, frontier workers and seasonal workers), as well as the members of their families and their survivors, who are nationals of one of the Members concerned or who are refugees or stateless persons resident in the territory of one of these Members;
- (c) the arrangements for the reimbursement of the benefits provided and other costs borne by the institution of one Member on behalf of the institution of another Member unless it has been agreed that there shall be no reimbursement;
- (d) the rules to avoid undue plurality of contributions or other liabilities or of benefits.

Part II. Applicable legislation*Article 5*

1. The legislation applicable in respect of the persons covered by this Convention shall be determined by mutual agreement between the Members concerned, with a view to avoiding conflicts of laws and the undesirable consequences that might ensue for those concerned either through lack of protection, or as a result of undue plurality of contributions or other liabilities or of benefits, in accordance with the following rules:

- (a) employees who are normally employed in the territory of a Member shall be subject to the legislation of that Member, even if they are resident in the territory of another Member

or if the undertaking which employs them has its registered office, or their employer has his place of residence, in the territory of another Member;

- (b) self-employed persons who normally engage in their occupation in the territory of a Member shall be subject to the legislation of that Member, even if they are resident in the territory of another Member;
- (c) employees and self-employed persons sailing on board a ship flying the flag of a Member shall be subject to the legislation of that Member even if they are resident in the territory of another Member or if the undertaking which employs them has its registered office, or their employer has his place of residence, in the territory of another Member;
- (d) persons who are not part of the economically active population shall be subject to the legislation of the Member in whose territory they are resident, in so far as they are not protected in virtue of subparagraphs (a) to (c) of this paragraph.

2. Notwithstanding the provisions of subparagraphs (a) to (c) of paragraph 1 of this Article, Members concerned may agree that certain categories of persons, in particular self-employed persons, shall be subject to the legislation of the Member in whose territory they are resident.

3. Members concerned may determine by mutual agreement other exceptions to the rules set forth in paragraph 1 of this Article, in the interest of the persons concerned.

Part III. Maintenance of rights in course of acquisition

Article 6

Subject to the provisions of paragraph 3, subparagraph (a), of Article 4 of this Convention, each Member shall endeavour to participate with every other Member concerned in schemes for the maintenance of rights in course of acquisition, as regards each branch of social security referred to in paragraph 1 of Article 2 of this Convention and for which every one of these Members has legislation in force, for the benefit of persons who have been subject successively or alternately to the legislation of the said Members.

Article 7

1. The schemes for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention shall provide for the adding together, to the extent necessary, of periods of insurance, employment, occupational activity or residence, as the case may be, completed under the legislation of the Members concerned for the purposes of:

- (a) participation in voluntary insurance or optional continued insurance, where appropriate;
- (b) acquisition, maintenance or recovery of rights and, as the case may be, calculation of benefits.

2. Periods completed concurrently under the legislation of two or more Members shall be reckoned only once.

3. The Members concerned shall, where necessary, determine by mutual agreement special arrangements for adding together periods which are different in nature and periods qualifying for right to benefits under special schemes.

4. Where a person has completed periods under the legislation of three or more Members which are parties to different bilateral or multilateral instruments, each Member which is concurrently bound by two or more of the instruments in question shall add these periods together, to the extent necessary, in accordance with the provisions of these instruments, for the purposes of acquisition, maintenance or recovery of rights to benefit.

Article 8

1. The schemes for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention shall determine the formula of awarding:

- (a) invalidity, old-age and survivors' benefits, and
- (b) pensions, in respect of occupational diseases,

as well as the apportionment, where appropriate, of the costs involved.

2. In the case referred to in paragraph 4 of Article 7 of this Convention, each Member which is concurrently bound by two or more of the instruments in question shall apply the provisions of these instruments for the purpose of calculating benefits to which there is a right under its legislation, taking into account the periods added together in accordance with the legislation of the Members concerned.

3. Where in application of the provisions of paragraph 2 of this Article a Member would have to award benefits of the same nature to the same person in pursuance of two or more bilateral or multilateral instruments, that Member shall be required to award only the benefit most favourable to the person concerned as determined on the initial award of these benefits.

4. Notwithstanding the provisions of paragraph 2 of this Article the Members concerned may, where necessary, agree on supplementary provisions for the calculation of the benefits specified in that paragraph.

**Part IV. Maintenance of acquired rights
and provision of benefits abroad**

Article 9

1. Each Member shall guarantee the provision of invalidity, old-age and survivors' cash benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under its legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons, irrespective of their place of residence, subject to measures for this purpose to be taken, where necessary, by agreement between the Members or with the states concerned.

2. Notwithstanding the provisions of paragraph 1 of this Article, the Members concerned which participate in the schemes for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention may agree to guarantee the provision of the benefits referred to in the said paragraph to beneficiaries resident in the territory of a Member other than the competent Member, within the framework of the bilateral or multilateral agreements referred to in paragraph 1 of Article 4 of this Convention.

3. In addition, notwithstanding the provisions of paragraph 1 of this Article, in the case of non-contributory benefits, the Members concerned shall determine by mutual agreement the conditions under which the provision of these benefits shall be guaranteed to beneficiaries resident in the territory of a Member other than the competent member.

4. The provisions of paragraphs 1, 2 and 3 of this Article need not be applied to:

- (a) special non-contributory benefits awarded as a form of assistance or in cases of need;
- (b) benefits awarded under transitional schemes.

Article 10

1. Members concerned shall endeavour to participate in schemes for the maintenance of rights acquired under their legislation, taking into account the provisions of Part III of this Convention, as regards each of the following branches of social security for which each of these Members has legislation in force: medical care, sickness benefit, maternity benefit and benefit in respect of employment injuries, other than pensions and death grants. These

schemes shall guarantee such benefits to persons resident or temporarily resident in the territory of one of these Members other than the competent Member, under conditions and within limits to be determined by mutual agreement between the Members concerned.

2. When not assured by existing legislation, the reciprocity required by paragraph 1 of this Article may be assured by measures taken by a Member to guarantee benefits corresponding to the benefits provided under the legislation of another Member, subject to the agreement of that Member.

3. Members concerned shall endeavour to participate in schemes for the maintenance of rights acquired under their legislation, taking into account the provisions of Part III of this Convention, as regards each of the following branches of social security for which each of these Members has legislation in force: unemployment benefit, family benefit and, notwithstanding the provisions of paragraph 1 of Article 9 of this Convention and paragraph 1 of this Article, rehabilitation benefit. These schemes shall guarantee such benefits to persons resident in the territory of one of these Members other than the competent Member, under conditions and within limits to be determined by mutual agreement between the Members concerned.

Article 11

The rules for the adjustment of benefits provided for under the legislation of a Member shall be applicable to the benefits payable under that legislation by virtue of the provisions of this Convention.

Part V. Administrative assistance and assistance to persons covered by this convention

Article 12

1. The authorities and institutions of Members shall afford one another assistance with a view to facilitating the application of this Convention and of their respective legislation.

2. In principle, the administrative assistance given by these authorities and institutions to one another shall be free of charge. Members may agree to reimburse certain expenses.

3. The authorities, institutions and jurisdictions of one Member may not reject claims or other documents submitted to them by reason of the fact that they are written in an official language of another Member.

Article 13

1. Where a claimant is resident in the territory of a Member other than the competent Member, he may present his claim validly to the institution of his place of residence, which shall forward it to the institution or institutions referred to in the claim.

2. Any claim, declaration or appeal that should have been submitted, under the legislation of a Member, within a specified time to an authority, institution or jurisdiction of that Member, shall be admissible if it is submitted within that time-limit to an authority, institution or jurisdiction of another Member in the territory of which the claimant is resident. In such event, the authority, institution or jurisdiction receiving the claim, declaration or appeal shall forward it without delay to the competent authority, institution or jurisdiction of the first Member. The date on which any claim, declaration or appeal was submitted to an authority, institution or jurisdiction of the second Member shall be deemed to be the date of its submission to the authority, institution or jurisdiction competent to deal with it.

3. Benefits to be provided by a Member to a beneficiary resident or temporarily resident in the territory of another Member may be provided either directly by the institution

liable for the payment, or through the intermediary of an institution designated by the latter Member, at the place where the beneficiary is resident or temporarily resident, subject to the agreement of the Members concerned.

Article 14

Each Member shall promote the development of social services to assist persons covered by this Convention, particularly migrant workers, in their dealings with the authorities, institutions and jurisdictions, particularly with respect to the award and receipt of benefits to which they are entitled and the exercise of their right of appeal, as well as in order to promote their personal and family welfare.

Part VI. Miscellaneous provisions

Article 15

Except for invalidity, old-age and survivors' benefits and benefits in respect of occupational disease, the costs of which are apportioned among two or more Members, this Convention shall not confer or maintain a right to several benefits of the same nature based on the same period of compulsory insurance, employment, occupational activity or residence.

Article 16

1. The benefits provided and other costs borne by an institution of a Member on behalf of an institution of another Member shall be reimbursed in accordance with the modalities determined by mutual agreement among these Members, unless they have agreed that there shall be no reimbursement.

2. Transfers of sums resulting from the application of this Convention shall be effected, if need be, in accordance with the agreements in force between the Members concerned at the date of transfer. In the absence of such agreements, the necessary arrangements shall be agreed between them.

Article 17

1. Members may derogate from the provisions of this Convention by special arrangements within the framework of the bilateral or multilateral instruments concluded amongst two or more of them, on condition that they do not affect the rights and obligations of other Members and settle the maintenance of rights on terms which, in the aggregate, are at least as favourable as those of this Convention.

2. A Member shall be deemed to satisfy the provisions of paragraph 1 of Article 9 and of Article 11 of this Convention:

- (a) if it guarantees at the date of its ratification the provision of the relevant benefits in a substantial amount prescribed under its legislation, to all beneficiaries regardless of their nationality and irrespective of their place of residence; and
- (b) if it gives effect to the provisions of paragraph 1 of Article 9 and of Article 11 of this Convention within the framework of the bilateral or multilateral instruments referred to in paragraph 1 of Article 4 of this Convention.

3. Each Member which has taken advantage of the provisions of paragraph 2 of this Article shall indicate in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:

- (a) that its reasons for doing so subsist; or
- (b) that it renounces its right to avail itself of the provisions of the above-mentioned paragraph of this Article as from a stated date.

Part VII. Transitional and final provisions

Article 18

1. This Convention does not confer any right to benefit in respect of a period prior to its coming into force for the Members concerned.

2. For the application of the provisions of this Convention, all periods of insurance, employment, occupational activity or residence completed under the legislation of a Member before the date on which a scheme for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention enters into force for the Member concerned shall be taken into account for the purpose of determining whether rights arise under that scheme as from the date of its entry into force, subject to specific provisions to be agreed upon, if necessary, between the Members concerned.

3. Any benefit referred to in paragraph 1 of Article 9 of this Convention, which has not been awarded or which has been suspended on account of the residence of the claimant in the territory of a State other than the competent Member, shall be awarded or resumed, at the request of the person concerned, as from the date on which this Convention enters into force for the latter Member or from the date of its entry into force for the Member of which he is a national, whichever is the later, unless the person concerned has previously obtained a lumpsum settlement in place of this benefit. The provisions of the legislation of the competent Member concerning the extinction of rights shall not be invoked against the person concerned if he submits his request within two years following this date or the date of the coming into effect of the measures provided for in paragraph 1 of Article 9, as the case may be.

4. Members concerned shall determine by mutual agreement the extent to which a scheme for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention applies to a contingency arising before the entry into force of the scheme for these Members.

Article 19

1. The denunciation of this Convention by a Member shall not affect the Member's obligations with respect to contingencies arising before the date on which denunciation has taken effect.

2. Rights in course of acquisition which are maintained by virtue of this Convention shall not lapse by reason of its denunciation by a Member; their further maintenance during the period subsequent to the date on which this Convention ceased to be in force shall be determined by the bilateral or multilateral social security instruments concluded by the Member, or, in the absence of such instruments, by the legislation of the said Member.

Article 20

1. This Convention, revises, on the terms set forth in the following paragraphs of this Article, the Maintenance of Migrants' Pension Rights Convention, 1935.

2. The coming into force of this Convention for any Member bound by the obligations of the Maintenance of Migrants' Pension Rights Convention, 1935, shall not, *ipso jure*, involve the immediate denunciation of that Convention.

3. The Maintenance of Migrants' Pension Rights Convention, 1935, shall cease to have effect in the relations between any Members parties thereto as and when a scheme for the maintenance of rights in course of acquisition in pursuance of Article 6 of this Convention has become applicable in these relations.

Maintenance of Social Security Rights Recommendation, 1983 (No. 167)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 69th Session (20 June 1983)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-ninth Session on 1 June 1983, and

Recalling the principles established by the Equality of Treatment (Social Security) Convention, 1962, which relate not only to equality of treatment but also to the maintenance of rights in course of acquisition and of acquired rights, and by the Maintenance of Social Rights Convention, 1982, and

Considering it necessary to promote the conclusion of bilateral or multilateral social security instruments between Members of the International Labour Organisation, as well as the international co-ordination of these instruments, in particular for the application of the Equality of Treatment (Social Security) Convention, 1962, and of the Maintenance of Social Security Rights Convention, 1982 and

Having decided upon the adoption of certain proposals with regard to the maintenance of rights in social security, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Recommendation; adopts this twentieth day of June of the year one thousand nine hundred eighty-three, the following Recommendation, which may be cited as the Maintenance of Social Security Rights Recommendation, 1983:

1. In this Recommendation:

- (a) the term *Member* means any State Member of the International Labour Organisation;
- (b) the term *legislation* includes any social security rules as well as laws and regulations;
- (c) the term *refugee* has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967, without geographical limitation;
- (d) the term *stateless person* has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
- (e) the term *members of the family* means persons defined or recognised as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the Members concerned; where persons are defined or recognised as members of the family or as members of the household under the relevant legislation only on the condition that they are living with the person concerned, this condition shall be deemed to be satisfied in respect of persons who obtain their main support from the person concerned;
- (f) the term *survivors* means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (g) the term *residence* means ordinary residence.

2. Members bound by a bilateral or multilateral social security instrument should endeavour by mutual agreement to extend to the nationals of any other Member, as well as to refugees and stateless persons resident in the territory of any Member, the benefit of the provisions of that instrument relating to:

- (a) the determination of the applicable legislation;
- (b) the maintenance of rights in course of acquisition;
- (c) the maintenance of acquired rights and provision of benefits abroad.

3. Members should conclude among themselves and with the States concerned appropriate administrative or financial arrangements to remove possible obstacles to the provision of invalidity, old-age and survivors' benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under their legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons resident abroad.

4. Where one of the Members bound by a bilateral or multilateral social security instrument has no legislation in force in respect of unemployment benefit or family benefit, the Members so bound should endeavour to conclude between themselves appropriate arrangements to compensate equitably the loss of the absence of rights resulting therefrom for persons who transfer their residence from the territory of a Member which has legislation in force in respect of the benefits concerned to the territory of a Member which has no such legislation, or for the members of the family of persons entitled to family benefit under the legislation of the first Member when these members of the family are resident in the territory of the second Member.

5. Where, in application of the Equality of Treatment (Social Security) Convention, 1962, the Maintenance of Social Security Rights Convention, 1982, or any bilateral or multilateral social security instrument, cash benefits have to be paid to beneficiaries residing in the territory of a State other than the one in whose territory the institution liable for the payment is located, this institution should, whenever possible, pay the beneficiary direct, particularly in the case of invalidity, old-age and survivors' benefits and also pensions in respect of employment injuries. The transfer of these benefits and pensions should be made with the minimum delay, so that beneficiaries may have them at their disposal as quickly as possible. In the case of indirect payment, the institution acting as intermediary in the country of residence of the beneficiary should do its utmost to see that the latter shall receive promptly the benefits due.

6. Members concerned should endeavour to conclude bilateral and multilateral social security instruments covering the nine branches of social security mentioned in paragraph 1 of Article 2 of the Maintenance of Rights in Social Security Convention, 1982; to develop the co-ordination of bilateral or multilateral social security instruments by which they are respectively bound; and to conclude an international agreement to this effect, with the assistance of the International Labour Office, where appropriate.

7. For the application of the provisions of Articles 6 to 8 of the Equality of Treatment (Social Security) Convention, 1962, and of paragraph 1 of Article 4 of the Maintenance of Social Security Rights Convention, 1982, Members bound by these Conventions should take account, as appropriate, of the model provisions and the model agreement annexed to this Recommendation, designed for the conclusion of bilateral or multilateral social security instruments and for their co-ordination.

8. Members concerned, even if they are not yet bound by at least one of the Conventions referred to in Paragraph 7 of this Recommendation, should endeavour to participate in the international system provided for by the Maintenance of Social Security Rights Convention, 1982, taking account, as appropriate, of the model provisions and the model agreement annexed to this Recommendation.

ANNEX I

Model provisions for the conclusion of bilateral or multilateral social security instruments

I. Definitions

Article 1

For the purpose of these model provisions:

- (a) the term *legislation* includes any social security rules as well as laws and regulations;
- (b) the term *competent State* means a Contracting Party under whose legislation the person concerned can claim benefit;
- (c) the term *competent authority* means the minister, ministers or other corresponding authority responsible for the social security schemes in all or any part of the territory of each Contracting Party;

- (d) the term *institution* means any body or authority directly responsible for applying all or part of the legislation of a Contracting Party;
- (e) the term *competent institution* means:
- (i) in relation to a social insurance scheme, either the institution with which the person concerned is insured when he claims benefit, or an institution from which he is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Contracting Party where that institution is situated, or the institution designated by the competent authority of the Contracting Party concerned;
 - (ii) in relation to a scheme other than a social insurance scheme, or in relation to a family benefits scheme, the institution designated by the competent authority of the Contracting Party concerned;
 - (iii) in relation to a scheme consisting of obligations imposed on employers either the employer or his insurer or, in default thereof, the body or authority designated by the competent authority of the Contracting Party concerned;
- (f) the term *provident fund* means a compulsory savings institution;
- (g) the term *members of the family* means persons defined or recognised as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the Contracting Parties concerned; where persons are defined or recognised as members of the family or as members of the household under the relevant legislation only on the condition that they are living with the person concerned, this condition shall be deemed to be satisfied in respect of persons who obtain their main support from the person concerned;
- (h) the term *survivors* means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (i) the term *residence* means ordinary residence;
- (j) the term *temporary residence* means a temporary stay;
- (k) the term *institution of the place of residence* means the institution empowered, under the Contracting Party's legislation applied by it, to provide the benefits in question at the place of residence or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;
- (l) the term *institution of the place of temporary residence* means the institution empowered, under the Contracting Party's legislation applied by it, to provide the benefits in question at the place of temporary residence of the person concerned or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;
- (m) the term *periods of insurance* means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (n) the terms *periods of employment* and *periods of occupational activity* mean periods defined or recognised as such by the legislation under which they were completed and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity respectively;
- (o) the term *periods of residence* means periods of residence defined or recognised as such by the legislation under which they were completed;
- (p) the term *benefits* means all benefits in kind and in cash provided in respect of the contingency concerned, including death grants, and:
- (i) as benefits in kind, benefits aimed at the prevention of any contingency covered by social security, physical rehabilitation and vocational rehabilitation;
 - (ii) as benefits in cash, all components thereof provided out of public funds, and all increases, revaluation allowances or supplementary allowances, and any benefits awarded for the purpose of maintaining or improving earning capacity, lump-sum benefits which may be paid in lieu of pensions and, where applicable, any payments made by way of refund of contributions;

- (q)
 - (i) the term *family benefits* means any benefits in kind or in cash, including family allowances, granted to offset family maintenance costs, with the exception of increases in, or supplements to, pensions provided for the members of the family of the recipients of such pensions;
 - (ii) the term *family allowances* means periodical cash benefits granted according to the number and age of children;
- (r) the term *death grant* means any lump sum payable in the event of death other than the lump-sum benefits mentioned in subparagraph (p)(ii) of this article;
- (s) the term *non-contributory* applies to benefits the award of which does not depend on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity, and to any scheme which exclusively awards such benefits.

II. Applicable legislation

Article 2

1. Notwithstanding the general rule relating to the application of the legislation of the Contracting Party in the territory of which the employed persons are employed (Note: see paragraph 1 (a) of Article 5 of the Maintenance of Social Security Rights Convention, 1982) the legislation applicable to employed persons referred to in this paragraph is determined in accordance with the following provisions:

- (a)
 - (i) employed persons who are employed in the territory of a Contracting Party by an undertaking which is their regular employer and who are sent by that undertaking to work for it in the territory of another Contracting Party shall remain subject to the legislation of the first Party, provided that the expected duration of the work does not exceed the time-limit determined by mutual agreement between the Contracting Parties concerned and that they are not sent to replace other employed persons who have completed their period of secondment abroad;
 - (ii) if the work to be carried out continues because of unforeseeable circumstances for a period longer than originally foreseen and exceeding the determined time-limit, the legislation of the first Party shall remain applicable until the work is completed, subject to the consent of the competent authority of the second Party or of the body designated by it;
- (b)
 - (i) employed persons who are employed in international transport in the territory of two or more Contracting Parties as travelling personnel in the service of an undertaking which has its registered office in the territory of a Contracting Party and which, on behalf of others or on its own account, transports passengers or goods by rail, road, air or inland waterway, shall be subject to the legislation of the latter Party;
 - (ii) however, if they are employed by a branch or permanent agency which the said undertaking has in the territory of a Contracting Party other than the Party in whose territory it has its registered office, they shall be subject to the legislation of the Contracting Party in whose territory the branch or permanent agency is situated;
 - (iii) if they are employed mainly in the territory of the Contracting Party where they are resident, they shall be subject to the legislation of that Party, even if the undertaking which employs them has neither its registered office nor a branch or permanent agency in that territory;
- (c)
 - (i) employed persons other than those in international transport who normally follow their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they reside if their occupation is carried on partly in that territory or if they are employed by several undertakings or by several employers having their registered offices or their places of residence in the territory of different Contracting Parties;
 - (ii) in other cases they shall be subject to the legislation of the Contracting Party in whose territory the undertaking which employs them has its registered office or their employer has his place of residence;

- (d) employed persons who are employed in the territory of a Contracting Party by an undertaking which has its registered office in the territory of another Contracting Party and whose premises lie astride the common frontier of the Contracting Parties concerned shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its registered office.
2. Notwithstanding the general rule relating to the application of the legislation of the Contracting Party in the territory of which self-employed persons engage in an occupation, (Note: see paragraph 1 (b) of Article 5 of the Maintenance of Social Security Rights Convention, 1982) the legislation applicable to the self-employed persons referred to in this paragraph is determined in accordance with the following provisions:
- (a) self-employed persons who reside in the territory of one Contracting Party and engage in their occupation in the territory of another Contracting Party shall be subject to the legislation of the first Party:
- (i) if the second Party has no legislation applicable to them, or
 - (ii) if, under the legislation of each of the Parties concerned, self-employed persons are subject to that legislation solely by reason of the fact that they are resident in the territory of those Parties;
- (b) self-employed persons who normally engage in their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they are resident, if they work partly in that territory or if, under that legislation, they are subject to it solely by reason of the fact that they are resident in the territory of that Party;
- (c) where the self-employed persons referred to in the preceding subparagraph do not work partly in the territory of the Contracting Party where they are resident, or where, under the legislation of that Party, they are not subject to that legislation solely by reason of their residence, or where that Party has no legislation applicable to them, they shall be subject to the legislation mutually agreed upon by the Contracting Parties concerned or by their competent authorities.
3. Where by virtue of the preceding paragraphs of this article, a worker is subject to the legislation of a Contracting Party in whose territory he is neither employed nor engaged in an occupation nor resident, that legislation shall be applicable to him as if he were employed or engaged in an occupation or resident in the territory of that Party, as the case may be.
4. The competent authorities of the Contracting Parties may, by mutual agreement, make other provisions than those of the preceding paragraphs of this Article, in the interest of the persons concerned.

III. Maintenance of rights in course of acquisition

A. Adding together periods

1. Medical Care, Sickness Benefit, Maternity Benefit and Family Benefit

Article 3

Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together and to the extent necessary, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

2. Unemployment Benefit

Article 4

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together and to the extent necessary, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of

any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

2. However, the institution of a Contracting Party whose legislation requires the completion of periods of insurance for the establishment of the right to benefit may make the adding together of periods of employment or occupational activity completed under the corresponding legislation of another Contracting Party subject to the condition that these periods would have been considered as periods of insurance if they had been completed under the legislation of the first Party.

3. The provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*, where the legislation of a Contracting Party provides that the length of the period during which benefit may be awarded depends on the length of the periods completed.

3. Invalidity, old-age and survivors' benefit

Article 5

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

2. Where the legislation of a Contracting Party makes the provision of benefit conditional on the person concerned or, in the case of survivors' benefit, the deceased, having been subject to that legislation at the time at which the contingency arose, that condition shall be deemed to be fulfilled if the person concerned or the deceased, as the case may be, was subject at that time to the legislation of another Contracting Party or, failing that, if the person concerned or the survivor can claim corresponding benefits under the legislation of another Contracting Party.

3. Where the legislation of a Contracting Party provides that the period of payment of a pension may be taken into consideration for the acquisition, maintenance or recovery of the right to benefit, the competent institution of that Party shall for this purpose take account of any period during which a pension was paid under the legislation of any other Contracting Party.

4. Common provisions

Article 6

Where the legislation of a Contracting Party makes the provision of certain benefits conditional upon the completion of periods in an occupation covered by a special scheme or in a specified occupation or employment, only periods completed under a corresponding scheme or, in the absence of such a scheme, in the same occupation or in the same employment, as the case may be, under the legislation of other Contracting Parties, shall be taken into account for the award of such benefits. If, notwithstanding periods completed in this way, the person concerned does not satisfy the conditions for entitlement to the said benefits, the periods concerned shall be taken into account for the award of benefits under the general scheme or, in the absence of such a scheme, the scheme applicable to wage earners or to salaried employees, as appropriate.

B. Determination of invalidity, old-age and survivors' benefit

Article 7

The determination of invalidity, old-age and survivors' benefit shall be carried out in conformity with either the method of apportionment or the method of integration, according to the choice made by mutual agreement between the Contracting Parties concerned.

ALTERNATIVE I. METHOD OF APPORTIONMENT

*1. Common provisions**Article 8*

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, the institution of each of these Parties shall determine, in accordance with the legislation which it applies, whether such person, or his survivors, satisfies the conditions for right to benefit having regard, where appropriate, to the provisions of Article 5.

2. Where the person concerned satisfies these conditions, the competent institution of any Contracting Party whose legislation provides that the amount of benefits or certain parts thereof shall be in proportion to the periods completed may calculate those benefits or parts thereof directly, solely on the basis of the periods completed under the legislation which it applies, notwithstanding the provisions of the following paragraphs of this Article.

3. If the person concerned satisfies the conditions referred to in paragraph 1 of this Article the competent institution of any of the other Contracting Parties shall calculate the theoretical amount of the benefits he could claim if all the periods completed under the legislation of all the Contracting Parties concerned and taken into account for establishing entitlement, in accordance with the provisions of Articles 5, had been completed exclusively under the legislation which that the institution applies.

4. However,

- (a) in the case of benefits the amount of which does not depend on the length of periods completed, that amount shall be taken to be the theoretical amount referred to in the preceding paragraph;
- (b) in the case of non-contributory benefits the amount of which does not depend on the length of periods completed, the theoretical amount referred to in the preceding paragraph may be calculated on the basis of and up to the amount of the full benefit:
 - (i) in the case of invalidity or death, in proportion to the ratio of the total periods completed, before the contingency arose, by the person concerned or the deceased under the legislation of all Contracting Parties concerned and taken into account in accordance with the provisions of Article 5, to two-thirds the number of years which elapsed between the date on which the persons concerned or the deceased reached the age of 15-or a higher age fixed by mutual agreement between the Contracting Parties concerned-and the date on which the incapacity for work followed by invalidity or the death, as the case may be, occurred, disregarding any years subsequent to pensionable age;
 - (ii) in the case of old age, in proportion to the ratio of the total periods completed by the person concerned under the legislation of all the Contracting Parties concerned and taken into account in accordance with the provisions of article 5, to 30 years, disregarding any years subsequent to pensionable age.

5. The institution referred to in paragraph 3 of this Article shall then calculate the actual amount of the benefit payable by it to the person concerned on the basis of the theoretical amount calculated in accordance with the provisions of paragraph 3 or of paragraph 4 of this Article, as appropriate, and in proportion to the ratio of the periods completed before the contingency arose under the legislation which it applies, to the total of the periods completed before the contingency arose under the legislation of all the Contracting Parties concerned.

6. If the total of the periods completed under the legislation of all the Contracting Parties concerned before the Contingency arose exceeds the maximum period required by the legislation of one of these Parties for the receipt of full benefits, the institution of that Party shall, when applying the provisions of paragraphs 3 and 5 of this Article, take into account this maximum, period instead of the total of the periods completed, without, however, being obliged to award higher benefits than the full benefits provided for by the legislation which it applies.

Article 9

1. Notwithstanding the provisions of Article 8, where the total duration of the periods completed under the legislation of a Contracting Party is less than one year and where, taking into account only those periods, no right to benefit exists under that legislation, the institution of the Party concerned shall not be bound to award benefit in respect of the said periods.

2. The periods referred to in the preceding paragraph shall be taken into account by the institution of each of the other Contracting Parties concerned for the purpose of applying the provisions of Article 8, except those of paragraph 5 thereof.

3. However, where the application of the provisions of paragraph 1 of this Article would have the effect of relieving all the institutions concerned of the obligation to award benefit, benefit shall be awarded

(Alternative A) exclusively under the legislation of the last Contracting Party whose conditions are fulfilled by the person concerned, regard being had to the provisions of Article 5, as if all the periods referred to in paragraph 1 of this Article had been completed under the legislation of that Party.

(Alternative B) in accordance with the provisions of Article 8.

Article 10

1. If the person concerned does not, at a given date, satisfy the conditions required by the legislation of all the Contracting Parties concerned, regard being had to the provisions of Article 5, but satisfies the conditions of the legislation of only one or more of them, the following provisions shall apply:

- (a) the amount of the benefit payable shall be calculated in accordance with the provisions of paragraph 2 or of paragraphs 3 to 6 of Article 8, as appropriate, by each of the competent institutions applying legislation the conditions of which are fulfilled;
- (b) however:
 - (i) if the person concerned satisfies the conditions of the legislation of at least two Contracting Parties, without any need to include periods completed under any legislation the conditions of which are not fulfilled, such periods shall not be taken into account for the purpose of applying the provisions of paragraphs 3 to 6 of Article 8;
 - (ii) if the person concerned satisfies the condition of the legislation of one Contracting Party only, without any need to invoke the provisions of Article 5, the amount of the benefit payable shall be calculated exclusively in accordance with the provisions of the legislation the conditions of which are fulfilled, taking account of periods completed under that legislation only.

2. Benefits awarded under the legislation of one or more Contracting Parties concerned in the case covered by the preceding paragraph shall be recalculated automatically, in accordance with the provisions of paragraph 2 or of paragraphs 3 to 6 of Article 8, when the conditions prescribed by the other legislation or legislations concerned are satisfied, regard being had, where appropriate, to the provisions of Article 5.

3. Benefits awarded under the legislation of two or more Contracting Parties shall be recalculated, in accordance with the provisions of paragraph 1 of this Article, at the request of the beneficiary, when the conditions prescribed by the legislation of one or more of these Contracting Parties cease to be fulfilled.

Article 11

1. Where the amount of the benefits a person would be entitled to claim under the legislation of a Contracting Party, without regard to the provisions of Articles 5 and 8 to 10, is greater than the total benefits payable in accordance with those provisions, the competent institution of that Party shall pay a supplement equal to the difference between the two amounts. That institution shall bear the whole cost of the supplement.

(Alternative A) 2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more Contracting Parties, he shall receive only whichever is the largest. The cost of this supplement shall be apportioned among the competent institutions of the Contracting Parties concerned according to the ratio between the amount of the supplement which each of them would have to pay if it alone had been concerned and the amount of the combined supplement which all the said institutions would have to pay.

(Alternative B) 2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more Contracting Parties, he shall receive these supplements only within the limit of the highest

theoretical amount calculated by these institutions in accordance with the provisions of paragraphs 3 or 4 of Article 8. If the total amount of the benefit and supplements exceeds the highest theoretical amount, each institution of the Contracting Parties concerned may reduce the amount of the supplement which it would have to pay, by a fraction of the excess determined according to the ratio between the amount of the latter supplement and the amount of the combined supplement which all the said institutions would have to pay.

3. The supplements referred to in the preceding paragraphs of this Article shall be regarded as a component of the benefit provided by the institution liable for payment. Their amount shall be determined once and for all, except where the provisions of paragraph 2 or paragraph 3 of Article 10 are applicable.

2. Special provisions concerning invalidity and survivors' benefits

Article 12

1. In the event of an aggravation of any invalidity for which a person is receiving benefit under the legislation of one Contracting Party only, the following provisions shall apply:

- (a) if the person concerned has not been subject to the legislation of any other Contracting Party since he began to receive benefit, the competent institution of the first Party shall be bound to take the aggravation into account, when awarding benefit, in accordance with the provisions of the legislation which it applies;
- (b) if the person concerned has been subject to the legislation of one or more other Contracting Parties since he began to receive benefit, the aggravation shall be taken into account when awarding benefit in accordance with the provisions of Article 5 and 8 to 11;
- (c) in the case referred to in the preceding subparagraph, the date on which the aggravation was demonstrated shall be regarded as the date on which the contingency arose;
- (d) if in the case referred to in subparagraph (b) of this paragraph the person concerned is not entitled to benefit from the institution of another Contracting Party, the competent institution of the first Party shall be bound to take the aggravation into account, when awarding benefit, in accordance with the provisions of the legislation which it applies.

2. In the event of aggravation of any invalidity for which the person is receiving benefit under the legislation of two or more Contracting Parties, the aggravation shall be taken into account, when awarding benefit, in accordance with the provisions of Articles 5 and 8 to 11. The provisions of subparagraph (c) of the preceding paragraph shall apply *mutatis mutandis*.

Article 13

1. Invalidity or survivors' benefit shall, where appropriate, be converted into old-age benefit, on conditions prescribed by the legislation under which they have been awarded and in accordance with the provisions of Article 5 and 8 to 11.

2. Where, in the case referred to in Article 10, a recipient of invalidity or survivors' benefit payable under the legislation of one or more Contracting Parties becomes entitled to old-age benefit, any institution liable for the payment of invalidity or survivors' benefit shall continue to pay the recipient to which he is entitled under the legislation which it applies until such time as the provisions of the preceding paragraph become applicable in respect of that institution.

ALTERNATIVE II. METHOD OF INTEGRATION

Formula A. Integration linked with residence

Article 14

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, he or his survivors shall be entitled only to the benefits determined in accordance with the legislation of the Contracting Party in the territory of which they reside, provided that they satisfy the conditions prescribed by that legislation or by the Contracting Parties concerned, having regard, where appropriate, to the provisions of Article 5.

2. The cost of the benefits determined in accordance with the provisions of the preceding paragraph shall be:

- (a) borne entirely by the institution of the Contracting Party in the territory of which the person concerned resides; however, the application of this provision may be made conditional upon the person concerned having been resident in that territory at the date of the submission of his benefit claim or, in respect of survivors' benefit, upon the deceased having been resident in that territory at the date of his death for a minimum period fixed by mutual agreement between the Contracting Parties concerned; or
- (b) apportioned among the institutions of all the Contracting Parties concerned according to the ratio between the duration of the periods completed under the legislation which each of those institutions applies, before the contingency arose, and the total duration of the periods completed under the legislation of all the Contracting Parties concerned before the contingency arose; or
- (c) borne by the institution of the Contracting Party in the territory of which the person concerned resides, but compensated by the institutions of the other Contracting Parties concerned according to a lump-sum arrangement agreed upon between all these Parties on the basis of the participation of the person concerned in the scheme of each of the Contracting Parties which is not liable to pay benefit.

3. If the person concerned does not satisfy the conditions of the legislation of the Contracting Party referred to in paragraph 1 of this Article or if that legislation does not provide for the award of invalidity, old-age or survivors' benefit, he shall receive the most favourable benefit to which he is entitled under the legislation of any other Contracting Party, regard being had, where appropriate, to the provisions of Article 5.

Formula B. Integration linked with the occurrence of invalidity or death

(Note: This formula may be limited to cases where the person considered has completed periods exclusively under legislation under which the amount of benefits is independent of the duration of periods completed.)

Article 15

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, he or his survivors shall be entitled to benefit in accordance with the provisions of the following paragraphs of this Article.

2. The institution of the Contracting Party whose legislation was applicable when the incapacity for work followed by invalidity or death occurred shall determine, in accordance with the provisions of that legislation, whether the person concerned satisfies the conditions for right to benefit, regard being had, where appropriate, to the provisions of Article 5.

3. The person concerned who satisfies these conditions shall obtain the benefit from the said institution only, in accordance with the provisions of the legislation which it applies.

4. If the person concerned does not satisfy the conditions of the legislation of the Contracting Party referred to in paragraph 2 of this Article, or if that legislation does not provide for invalidity or survivors' benefit, he shall receive the most favourable benefit to which he is entitled under the legislation of any other Contracting Party, having regard, where applicable, to the provisions of Article 5.

Article 16

The provisions of Article 12, paragraph 1, shall apply mutatis mutandis.

C. Determination of benefits in respect of occupational diseases

Article 17

1. If a worker contracts an occupational disease after having been engaged in an occupation likely to cause that disease under the legislation of two or more Contracting Parties, the benefit to which he or his survivors may be entitled shall be awarded exclusively under the legislation of the last of the said Parties the conditions of which they fulfil, regard being had, where applicable, to the provisions of paragraphs 2 to 4 of this Article.

2. Where the legislation of a Contracting Party makes the right to benefit for occupational diseases conditional upon the disease in question being first diagnosed in its territory, that condition

shall be deemed to have been fulfilled if this disease was first diagnosed in the territory of another Contracting Party.

3. Where the legislation of a Contracting Party explicitly or implicitly makes the right to benefit for occupational diseases conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to cause such a disease, the competent institution of that Party, when ascertaining the time at which the occupation of the same kind engaged in under the legislation of any other Contracting Party, as if it had been engaged in under the legislation of the first Party.

4. Where the legislation of a contracting Party explicitly or implicitly makes entitlement to benefit for occupational diseases conditional upon an occupation liable to cause the disease in question having been pursued for a specific period, the competent institution of that Party shall, to the extent necessary, take account, for the purpose of adding periods together, of periods during which such an occupation was followed in the territory of any other Contracting Party.

5. In those cases where the provisions of paragraph 3 or paragraph 4 of this Article are applied, (*Alternative I*) the cost of benefits

(*Alternative II*) the cost of pensions

in respect of occupational diseases may be apportioned among the Contracting Parties concerned, (*Alternative A*) in proportion to the ratio between the duration of exposure to the risk under the legislation of each of those Parties and the total duration of exposure to the risk under the legislation of the said Parties.

(*Alternative B*) in proportion to the ratio between the duration of the periods completed under the legislation of each of those Parties and the total duration of the periods completed under the legislation of the said Parties.

(*Alternative C*) equally between those Parties under whose legislation the duration of exposure to risk has reached a percentage, fixed by mutual agreement between the Parties concerned, of the total duration of exposure to the risk under the legislation of the said Parties.

Article 18

Where a worker having contracted an occupational disease has received or is receiving compensation from the institution of a Contracting Party, and in the event of an aggravation of his condition claims benefits from the institution of another Contracting Party, the following provisions shall apply:

(a) where the worker has not engaged, under the legislation of the second Party, in an occupation liable to cause or aggravate the disease in question, the competent institution of the first Party shall bear the cost of the benefit, taking the aggravation into account, in accordance with the provisions of the legislation which that institution applies;

(b) where the worker has engaged in such an occupation under the legislation of the second Party, the competent institution of the first Party shall bear the cost of the benefit, leaving the aggravation out of account, in accordance with the provisions of the legislation which it applies; the competent institution of the second Party shall award to the worker a supplementary benefit the amount of which shall be equal to the difference between the amount of the benefit due after the aggravation and the amount of the benefit that would, in accordance with the provisions of the legislation which that institution applies, have been due before the aggravation if the disease in question had been contracted under the legislation of that Party.

IV. Maintenance of acquired rights and provision of benefits abroad

1. Medical care, sickness benefit, maternity benefit and benefits other than pensions in respect of occupational injuries and diseases

Article 19

1. Persons who reside in the territory of a Contracting Party other than the competent State and who satisfy the conditions for right to benefit prescribed by the legislation of the latter State, regard being had, where appropriate, to the provisions of Article 3, shall receive in the territory of the Contracting Party in which they reside:

- (a) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence in accordance with the provisions of the legislation which the latter institution applies, as if these persons were affiliated to it;
- (b) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were resident in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence, cash benefits may also be paid through the latter institution, on behalf of the competent institution.

2. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, in respect of medical care, sickness and maternity benefits, to members of the family who are resident in the territory of a Contracting Party other than the competent State.

3. Benefits may also be provided to frontier workers and to members of their family by the competent institution in the territory of the competent State, in accordance with the provisions of the legislation of that State, as if they were resident in its territory.

Article 20

(Alternative 1)

1. Persons who satisfy the conditions for right to benefit under the legislation of the competent State, regard being had where appropriate, to the provisions of Article 3, and:

- (a) whose condition necessitates the immediate provision of benefits during temporary residence in the territory of a Contracting Party other than the competent State; or
- (b) who, having become entitled to benefits payable by the competent institution, are authorised by that institution to return to the territory of a Contracting Party where they reside, other than the competent State, or to transfer their residence to the territory of a Contracting Party other than the competent State; or
- (c) who are authorised by the competent institution to go to the territory of a contracting Party other than the competent State in order to receive the treatment required by their condition, shall receive:
 - (i) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence or temporary residence in accordance with the provisions of the legislation applied by the latter institution, as if these persons were affiliated to it, for a period not longer than that which may be prescribed by the legislation of the competent State;
 - (ii) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution on behalf of the competent institution.

2.

- (a) The authorisation referred to in subparagraph (b) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the person concerned.
- (b) The authorisation referred to in subparagraph (c) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.

3. The provisions of the preceding paragraphs of this Article shall apply, *mutatis mutandis*, to members of the family in respect of medical care, sickness and maternity benefits.

(Alternative II)

1. Persons who satisfy the conditions for right to benefit under the legislation of the competent State, regard being had, where appropriate, to the provisions of Article 3, and:

- (a) whose condition necessitates the immediate provision of benefits during temporary residence in the territory of a Contracting Party other than the competent State; or
- (b) who, having become entitled to benefits payable by the competent institution, return to the territory of a Contracting Party other than the competent State; or
- (c) who go to the territory of a Contracting Party other than the competent State in order to receive the treatment required by their condition, shall receive:
 - (i) benefits in kind, provided by the institution of the place of residence or temporary residence in accordance with the provisions of the legislation applied by that institution, as if these persons were affiliated to it;
 - (ii) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution, on behalf of the competent institution.

2. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, to members of the family in respect of medical care, sickness and maternity benefits.

2. Unemployment benefit

Article 21

1. Unemployed workers who satisfy the conditions for right to benefit prescribed by the legislation of one Contracting Party in respect of the completion of periods of insurance, employment, occupational activity or residence, regard being had, where appropriate, to the provisions of Article 4, and who transfer their residence to the territory of another Contracting Party, shall be deemed to have also satisfied the conditions for right to benefit prescribed by the legislation of the second Party, provided that they place themselves at the disposal of the employment services in the territory of that Party and file a claim with the institution of their new place of residence within 30 days of their transfer of residence, or such longer period as may be fixed by mutual agreement between the Contracting Parties. The benefit shall be paid by the institution of the place of residence, in accordance with the provisions of the legislation which that institution applies, the cost being borne by the competent institution of the first Party, (Alternative I) for a period not exceeding any period which may be prescribed by the legislation of that Party.

(Alternative I) for a period not exceeding any period which may be prescribed by the legislation of that Party

(Alternative II) for a period not exceeding the shortest of the periods fixed by the legislation of each of the two Contracting Parties concerned.

(Alternative III) for a period not exceeding that prescribed by mutual agreement between the Contracting Parties.

2. Without prejudice to the provisions of the preceding paragraph, an unemployed person who, during his last employment, was resident in the territory of a Contracting Party other than the competent State shall receive benefit in accordance with the following provisions:

- (a)
 - (i) a frontier worker who is partially or incidentally unemployed in the undertaking which employs him shall receive benefit in accordance with the provisions of the legislation of the competent State, as if he were resident in the territory of that State, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the competent institution;
 - (ii) a frontier worker who is wholly unemployed shall receive benefit in accordance with the provisions of the Contracting Party in whose territory he resides, as if he had been subject to that legislation during his last employment, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the institution of the place of residence at its own cost;

- (b)
- (i) a worker, other than a frontier worker, who becomes partially, incidentally or wholly unemployed and remains available to his employer or to the employment services in the territory of the competent State, shall receive benefit in accordance with the provisions of the legislation of the competent State, as if he were resident in the territory of that State, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the competent institution;
 - (ii) a worker, other than a frontier worker, who becomes wholly unemployed makes himself available to the employment services in the territory of the Contracting Party where he resides, or returns to that territory, shall receive benefit in accordance with the provisions of the legislation of that Party, as if he had been subject to that legislation during his last employment, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the institution of the place of residence at its own cost;
 - (iii) however, if the worker referred to in subparagraph (b) (ii) of this paragraph has become entitled to benefit from the competent institution of the Contracting Party to whose legislation he was last subject, he shall receive benefit in accordance with the provisions of the preceding paragraph, as if he had transferred his residence to the territory of the Contracting Party referred to in subparagraph (b) (ii) of this paragraph, for a period not exceeding the period laid down in the preceding paragraph.
3. As long as an unemployed person is entitled to benefit by virtue of subparagraph (a) (i) or subparagraph (b) (i) of the preceding paragraph, he shall not be entitled to benefit under the legislation of the Contracting Party in the territory of which he resides.

3. Family benefit

ALTERNATIVE I. FAMILY ALLOWANCE

Article 22

1. Persons who are subject to the legislation of a Contracting Party, regard being had, where appropriate, to the provisions of Article 3, shall receive, in respect of the members of their family who are resident in the territory of another Contracting Party, the family allowances provided under the legislation of the first Party, as if these members of the family were resident in the territory of that Party.

2. The family allowances shall be paid in accordance with the provisions of the legislation of the Contracting Party to which the beneficiary is subject, even if the person or body corporate to whom these allowances are payable is resident or is located in the territory of another Contracting Party. In that case, by agreement between the competent institution and the institution of the place of residence of the members of the family, the family allowances may also be paid through the latter institution, on behalf of the competent institution.

ALTERNATIVE II. FAMILY BENEFIT

Article 23

(Alternative A)

1. Persons who are subject to the legislation of a Contracting Party shall receive, regard being had, where appropriate, to the provisions of Article 3, in respect of the members of their family who reside in the territory of another Contracting Party, the family benefit provided under the legislation of the latter party, as if the said persons were subject to its legislation.

2. The family benefit shall be paid to the members of the family by the institution of their place of residence, in accordance with the provisions of the legislation which that institution applies, at the expense of the competent institution, in an amount not exceeding the amount of the benefit due by the latter institution.

(Alternative B)

Where the members of the family of a person who works or resides in the territory of a Contracting Party reside in the territory of another Contracting Party, family benefits shall be paid to them by and at the expense of the institution of their place of residence.

4. Non-contributory invalidity, old-age and survivors' benefit

Article 24

(Alternative I) Where the provisions of Article 8 are not applicable, and where the beneficiary of non-contributory invalidity, old-age or survivors' benefit, the amount of which does not depend on the length of the periods of residence completed, is resident in the territory of a Contracting Party other than the one under whose legislation he is entitled to benefit, the benefit may be calculated in accordance with the following provisions:

- (a) in the case of invalidity or death, in proportion to the ratio of the number of years of residence completed by the person concerned or the deceased under the said legislation between the date on which he reached the age of 15 or a higher age fixed by mutual agreement between the Contracting Parties concerned and the date of incapacity for work followed by invalidity or of death, to two-thirds of the number of years separating those two dates, disregarding any years subsequent to pensionable age;
- (b) in the case of old-age, in proportion to the ratio of the number of years of residence completed by the person concerned under the said legislation between the date on which he reached the age of 15 or a higher age fixed by mutual agreement between the Contracting Parties concerned and the date on which he reached the pensionable age, to 30 years.

(Alternative II) Where the provisions of Article 8 are not applicable, and where the legislation of a Contracting Party provides for both contributory and non-contributory invalidity, old-age or survivors' benefits, the non-contributory invalidity, old-age or survivors' benefits whose amount does not depend on the length of the periods of residence are paid to the beneficiary who is resident in the territory of another Contracting Party in the same proportion that the contributory benefits to which that beneficiary is entitled bear to the total amount of the contributory benefits to which he would be entitled if he had completed the total duration of the periods required for entitlement.

V. Regulation of undue plurality

Article 25

Provisions in the legislation of a Contracting Party for the reduction, suspension or suppression of benefits where there is undue plurality with other benefits or other income, or because the person otherwise entitled is in employment or in an occupational activity, shall apply also to a beneficiary even in respect of benefits acquired under the legislation of another Contracting Party or of income obtained or employment or occupational activity undertaken in the territory of another Contracting Party. However, in applying this rule no account shall be taken of benefits of the same nature awarded in respect of invalidity, old-age, survivors or occupational disease by the institutions of two or more contracting Parties in accordance with the provisions of Article 8 or Article 18, subparagraph (b).

Article 26

Where a person in receipt of benefit under the legislation of one Contracting Party is also entitled to benefit under the legislation of one or more of the other Contracting Parties, the following rules shall apply:

- (a) where the application of the provisions of the legislation of two or more Contracting Parties would entail the concomitant reduction, suspension or suppression of such benefits, none of them may be reduced, suspended or suppressed to an extent greater than the amount which would be obtained by dividing the sum affected by the reduction, suspension or suppression in accordance with the legislation under which benefit is due by the number of benefits subject to reduction, suspension or suppression to which the beneficiary is entitled;
- (b) notwithstanding the foregoing, where the benefits concerned are invalidity, old-age or survivors' benefits paid in conformity with the provisions of Article 8 by the institution of a Contracting Party, that institution shall take account of the benefits, income or remuneration entailing the reduction, suspension or suppression of the benefits due from it solely for the purposes of the reduction, suspension or suppression of the benefits due from it solely for the purposes of the reduction, suspension or suppression of the amount referred to in paragraph 2 or paragraph 5 of Article 8, but not for the calculation of the theoretical amount referred to in paragraphs 3 and 4 of the said Article 8; however, account shall be taken of such benefits, income or remuneration

only to the extent of that fraction of their amount corresponding to the ratio of the periods completed, as prescribed in Article 8, paragraph 5.

Article 27

Where a person has a claim to medical care or sickness benefit under the legislation of two or more Contracting Parties, such benefit may be provided solely under the legislation of the Party in the territory of which he resides or, if he does not reside in the territory of one of those Parties, solely under the legislation of the Party to which this person or the person through whom entitlement to the said benefits arises was last subject.

Article 28

Where a person has a claim to maternity benefit under the legislation of two or more Contracting Parties, such benefit may be provided solely under the legislation of the Party in the territory of which the birth took place or, if the birth did not take place in the territory of one of those Parties, solely under the legislation of the Party to which this person or the person through whom entitlement to the said benefits arises was last subject.

Article 29

1. Where death occurs in the territory of a Contracting Party, the right to a death grant acquired under the legislation of that Party may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

2. Where death occurs in the territory of a Contracting Party and the right to a death grant has been acquired solely under the legislation of two or more other Contracting Parties, the right acquired under the legislation of the Contracting Party to which the deceased was last subject may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

3. Where death occurs outside the territory of the Contracting Parties and the right to death grant has been acquired under the legislation of two or more Contracting Parties, the right acquired under the legislation of the Contracting Party to which the deceased was last subject may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

Article 30

(Alternative I) Where, over the same period, family allowances are payable for the same members of the family under the provisions of Article 22 and under the legislation of the Contracting Party in the territory of which those members of the family reside, the right to family allowances payable under the legislation of the latter shall be suspended. However, in the case where a member of the family is engaged in an occupation in the territory of the said Party, that right shall be maintained, whereas the right to family allowances payable under the provisions of Article 22 shall be suspended.

(Alternative II) Where, over the same period, family allowances are payable for the same members of the family under the provisions of Article 22 and under the legislation of the Contracting Party in the territory of which those members of the family reside, the right to family allowances payable under the provisions of Article 22 shall be suspended.

VI. Miscellaneous provisions

Article 31

Medical examinations prescribed by the legislation of one Contracting Party may be carried out, at the request of the institution which applies this legislation, in the territory of another Contracting Party, by the institution of the place of residence or temporary residence. In such event, they shall be deemed to have been carried out in the territory of the first Party.

Article 32

1. For the calculation of the amount of contributions due to the institution of a Contracting Party, account shall be taken, where appropriate, of any income received in the territory of any other Contracting Party.

2. The recovery of contributions due to the institution of one Contracting Party may be effected in the territory of another Contracting Party in accordance with the administrative procedures and subject to the guarantees and privileges applicable to the recovery of contributions due to a corresponding institution of the latter Party.

Article 33

Any exemption from, or reduction of, taxes, stamp duty, legal dues or registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar certificates and documents required to be produced for the purposes of the legislation of another Contracting Party or of these model provisions.

Article 34

1. The competent authorities of the Contracting Parties may designate liaison bodies empowered to communicate directly with one another and, provided they are authorised to do so by the competent authorities of that Party, with the institutions of any Contracting Party.

2. Any institution of a Contracting Party, and likewise any person residing or temporarily residing in the territory of a Contracting Party, may approach the institution of another Contracting Party either directly or through the liaison bodies.

Article 35

1. Any dispute which arises between two or more Contracting Parties concerning the interpretation or application of these model provisions shall be settled by means of direct negotiation between the competent authorities of the Contracting Parties concerned.

2. If the dispute cannot be so settled within a period of six months from the beginning of negotiations, it shall be submitted to a commission of arbitration; the composition and the procedure of this commission shall be determined by mutual agreement among the Contracting Parties concerned.

3. The decisions of the commission of arbitration shall be binding and final.

**VII. Provisions concerning the maintenance of rights
in the relations between or with provident funds**

ALTERNATIVE I

Article 36

1. Where a person ceases to be subject to the legislation of a Contracting Party under which he has been registered with a provident fund, before the occurrence of a risk entitling him to obtain the payment of the amount credited to his account, he may, upon request, either withdraw the total amount or have it transferred to the institution to which he is affiliated in the territory of the Contracting Party to whose legislation he is now subject.

2. If this institution is itself a provident fund, the amount transferred shall be credited to the account opened by this institution in the name of the person concerned.

3. If the institution referred to in paragraph 1 of this Article is competent in respect of pensions, the amount transferred shall be paid to the institution concerned in order to enable the person concerned to buy back periods for the purpose of acquiring or improving his rights to benefits under the legislation applied by this institution. The method of buying back periods shall be determined either in accordance with the provisions of that legislation or by mutual agreement between the Contracting Parties concerned.

Article 37

Where a person ceases to be subject to the legislation of a Contracting Party under which he had been affiliated to a pensions scheme in order to move to the territory of another Contracting Party under whose legislation he is registered with a provident fund, before having acquired the right to a pension under the legislation of the first Party,

(*Alternative A*) the pension rights in course of acquisition of this person for himself and his survivors are maintained until the conditions required for the receipt of the pension are satisfied. Failing this, the amount of the contributions paid by this person or on his behalf shall be transferred to the provident fund under conditions fixed by mutual agreement between the Contracting Parties concerned.

(*Alternative B*) the amount of the contributions paid by this person or on his behalf shall be transferred to the provident fund under the conditions fixed by mutual agreement between the Contracting Parties concerned.

ALTERNATIVE II

Article 38

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to pension conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods during which a person was registered with a provident fund and required to make contributions to that fund.

2. Where the person concerned satisfies the conditions for payment of a pension taking account of paragraph 1 of this Article, the amount of the pension shall be determined in accordance with Article 8 to 13.

3. Where the legislation of a Contracting Party makes the payment of amounts credited to a person's account under a provident fund conditional upon the completion of periods of contributions, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods of insurance, employment, occupational activity and residence completed under the legislation of a Contracting Party under which he was affiliated to a pensions scheme.

ANNEX II

Model Agreement for the co-ordination of bilateral or multilateral social security instruments

Article 1

For the purpose of this agreement:

- (a) the term ***Contracting Party*** means any State Member of the International Labour Organisation that is bound by the agreement;
- (b) the term ***legislation*** includes any social security rules as well as laws and regulations;
- (c) the term ***refugee*** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967, without geographical limitation;
- (d) the term ***stateless person*** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
- (e) the term ***instrument*** means any bilateral or multilateral instrument concerning the maintenance of rights in course of acquisition in social security that is binding or will be binding on two or more Contracting parties;
- (f) the term ***institution*** means any body or authority directly responsible for applying all or part of the legislation of a Contracting Party;
- (g) the term ***periods of insurance*** means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (h) the terms ***periods of employment*** and ***periods of occupational activity*** mean periods defined or recognised as such by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity, respectively;
- (i) the term ***periods of residence*** means periods of residence defined or recognised as such by the legislation under which they were completed;

- (j) the term *benefits* means all benefits in kind and in cash provided in respect of the contingency concerned, including death grants and:
- (i) as benefits in kind, benefits aimed at the prevention of any contingency covered by social security, physical rehabilitation and vocational rehabilitation;
 - (ii) as benefits in cash, all components there of provided out of public funds, and all increases, revaluation allowances or supplementary allowances, and only benefits awarded for the purpose of maintaining or improving earning capacity, lump-sum benefits which may be paid in lieu of pensions and, where applicable, any payments made by way of refund of contributions.

Article 2

In the field governed by this agreement, coverage by the provisions of each instrument binding on two or more Contracting Parties shall be extended to the nationals of any other Contracting Party, as well as to the refugees and stateless persons resident in the territory of any Contracting Party.

Article 3

This agreement shall be applicable to all persons covered by the provisions of two or more instruments.

Article 4

1. The provisions of an instrument binding on two or more Contracting Parties, concerning the adding together of periods of insurance, employment, occupational activity or residence for the acquisition, maintenance or recovery of the right to benefit shall be applicable to corresponding periods completed under the legislation of any other Contracting Party bound with the said Parties by an instrument which also comprises provisions concerning the adding together of such periods, provided that the periods to be added together are not overlapping.

2. If, under the provisions of paragraph 1 of this Article, the institution of a Contracting Party should apply the provisions of two or more instruments which contain different modalities for the adding together of periods, this institution shall apply exclusively the provisions which are most favourable for the person concerned.

3. In the case of benefits which, under all relevant instruments, are awarded in conformity with the legislation of only one Contracting Party, the adding together referred to in paragraph 1 of this Article is carried out only to the extent necessary for the acquisition, maintenance or recovery of the right to the most favourable benefits provided for under this legislation.

Article 5

1. If the provisions of Article 4 are applicable, invalidity, old-age and survivors' benefits are determined in conformity with the provisions of paragraphs 2 to 4 of this Article.

2. If all the relevant instruments have recourse to the method of apportionment, the institution of each Contracting Party shall apply the provisions of the instruments by which this Party is bound, regard being had to the adding together of periods carried out according to the provisions of Article 4, paragraphs 1 and 2; however, it shall only award the highest amount of the benefits determined under these instruments.

3. If all the relevant instruments have recourse to the method of integration, the institution of the Contracting Party which should award the benefits shall take into account for this purpose the provisions of Article 4.

4. If the relevant instruments have recourse respectively to the method of apportionment and the method of integration, the institution of each Contracting Party shall apply the provisions of the instruments by which this Party is bound, regard being had to the adding together of periods carried out according to the provisions of Article 4; however, only the benefits resulting from the application of the most favourable method shall be awarded to the person concerned.

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	8 Sep 1926	Geneva, 7th ILC Session (5 June 1925)	121

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and
Having decided upon the adoption of certain proposals with regard to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, the second item in the agenda of the Session, and
Having determined that these proposals shall take the form of an international Convention, adopts this fifth day of June of the year one thousand nine hundred and twenty-five the following Convention, which may be cited as the Equality of Treatment (Accident Compensation) Convention, 1925, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

Article 2

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

Article 3

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Article 4

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25)

Status	Adoption
Technical instrument with interim status	Geneva, 7th ILC Session (5 June 1925)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, the second item in the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this fifth day of June of the year one thousand nine hundred twenty-five, the following Recommendation, which may be cited as the Equality of Treatment (Accident Compensation) Recommendation, 1925, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

I

In order to facilitate the application of the Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents the Conference recommends that:

- (a) when a person to whom compensation is due under the laws and regulations of one Member resides in the territory of another Member, the necessary measures be taken to facilitate the payment of such compensation and to ensure the observance of the conditions governing such payment laid down by the said laws and regulations;
- (b) in case of dispute concerning the non-payment, cessation of payment, or reduction of the compensation due to a person residing elsewhere than in the territory of the Member where his claim to compensation originated, facilities be afforded for taking proceedings in the competent courts of law in such territory without requiring the attendance of the person concerned;
- (c) any advantage in respect of exemption from duties and taxes, free issue of official documents or other privileges granted by the law of any Member for purposes connected with workmen's compensation, be extended under the same conditions to the nationals of the other Members which shall have ratified the aforementioned Convention.

II

The Conference recommends that, where in any country there exists no system, whether by insurance or otherwise, of workmen's compensation for industrial accidents, the Government shall, pending the institution of such a system, afford facilities to alien workers enabling them to benefit by the laws and regulations on workmen's compensation in their own countries.

Maternity protection*

Maternity Protection Convention, 2000 (No. 183)	693
Maternity Protection Recommendation, 2000 (No. 191)	697
Maternity Protection Convention, 1919 (No. 3)	699

* 1) Outdated convention: Maternity Protection Convention (Revised), 1952 (No. 103). The States which have ratified this Convention will remain bound by its provisions. 2) Withdrawn recommendation: Maternity Protection (Agriculture) Recommendation, 1921 (No. 12). 3) Replaced recommendation: Maternity Protection Recommendation, 1952 (No. 95)

Maternity Protection Convention, 2000 (No. 183)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	7 Feb 2002	Geneva, ILC 88th Session (15 June 2000)	29

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Noting the need to revise the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952, in order to further promote equality of all women in the workforce and the health and safety of the mother and child, and in order to recognize the diversity in economic and social development of Members, as well as the diversity of enterprises, and the development of the protection of maternity in national law and practice, and

Noting the provisions of the Universal Declaration of Human Rights (1948), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), the United Nations Convention on the Rights of the Child (1989), the Beijing Declaration and Platform for Action (1995), the International Labour Organization's Declaration on Equality of Opportunity and Treatment for Women Workers (1975), the International Labour Organization's Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998), as well as the international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, in particular the Convention concerning Workers with Family Responsibilities, 1981, and

Taking into account the circumstances of women workers and the need to provide protection for pregnancy, which are the shared responsibility of government and society, and

Having decided upon the adoption of certain proposals with regard to the revision of the Maternity Protection Convention (Revised), 1952, and Recommendation, 1952, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this fifteenth day of June of the year two thousand the following Convention, which may be cited as the Maternity Protection Convention, 2000.

Scope

Article 1

For the purposes of this Convention, the term *woman* applies to any female person without discrimination whatsoever and the term *child* applies to any child without discrimination whatsoever.

Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

Health protection

Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

Maternity leave

Article 4

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

Leave in case of illness or complications

Article 5

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

Benefits

Article 6

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:

- (a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or
- (b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefor and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

Employment protection and non-discrimination

Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including – notwithstanding Article 2, paragraph 1 – access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
- (b) where there is a recognized or significant risk to the health of the woman and child.

Breastfeeding mothers*Article 10*

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

Periodic review*Article 11*

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

Implementation*Article 12*

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.

Final provisions*Article 13*

This Convention revises the Maternity Protection Convention (Revised), 1952.

Maternity Protection Recommendation, 2000 (No. 191)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 88th Session (15 June 2000)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and Having decided upon the adoption of certain proposals with regard to maternity protection, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Maternity Protection Convention, 2000 (hereinafter referred to as “the Convention”),

adopts this fifteenth day of June of the year two thousand the following Recommendation, which may be cited as the Maternity Protection Recommendation, 2000.

Maternity leave

1. (1) Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.

(2) Provision should be made for an extension of the maternity leave in the event of multiple births. (3) To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.

Benefits

2. Where practicable, and after consultation with the representative organizations of employers and workers, the cash benefits to which a woman is entitled during leave referred to in Articles 4 and 5 of the Convention should be raised to the full amount of the woman’s previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

3. To the extent possible, the medical benefits provided for in Article 6, paragraph 7, of the Convention should include:

- (a) care given in a doctor’s office, at home or in a hospital or other medical establishment by a general practitioner or a specialist;
- (b) maternity care given by a qualified midwife or by another maternity service at home or in a hospital or other medical establishment;
- (c) maintenance in a hospital or other medical establishment;
- (d) any necessary pharmaceutical and medical supplies, examinations and tests prescribed by a medical practitioner or other qualified person; and
- (e) dental and surgical care.

Financing of benefits

4. Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, should be paid in respect of the total number of men and women employed, without distinction of sex.

Employment protection and non-discrimination

5. A woman should be entitled to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Article 5 of the Convention. The period of leave referred to in Articles 4 and 5 of the Convention should be considered as a period of service for the determination of her rights.

Health protection

6. (1) Members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made available to the woman concerned.

(2) In any of the situations referred to in Article 3 of the Convention or where a significant risk has been identified under subparagraph (1) above, measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of

- (a) elimination of risk;
- (b) an adaptation of her conditions of work;
- (c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or
- (d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

(3) Measures referred to in subparagraph (2) should in particular be taken in respect of:

- (a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;
- (b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;
- (c) work requiring special equilibrium;
- (d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.

(4) A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing.

(5) The woman should retain the right to return to her job or an equivalent job as soon as it is safe for her to do so.

(6) A woman should be allowed to leave her workplace, if necessary, after notifying her employer, for the purpose of undergoing medical examinations relating to her pregnancy.

Breastfeeding mothers

7. On production of a medical certificate or other appropriate certification as determined by national law and practice, the frequency and length of nursing breaks should be adapted to particular needs.

8. Where practicable and with the agreement of the employer and the woman concerned, it should be possible to combine the time allotted for daily nursing breaks to allow a reduction of hours of work at the beginning or at the end of the working day.

9. Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.

Related types of leave

10. (1) In the case of the death of the mother before the expiry of postnatal leave, the employed father of the child should be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.

(2) In the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, the employed father of the child should be entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave, in accordance with national law and practice, to look after the child.

(3) The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave.

(4) The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any manner consistent with national practice.

(5) Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection.

Maternity Protection Convention, 1919 (No. 3)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	13 June 1921	Washington, ILC 1st Session (29 Nov 1919)	34 Denounced: 8

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to “women’s employment, before and after childbirth, including the question of maternity benefit”, which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Maternity Protection Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term ***industrial undertaking*** includes particularly:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure;
- (d) transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. For the purpose of this Convention, the term ***commercial undertaking*** includes any place where articles are sold or where commerce is carried on.

3. The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

Article 2

For the purpose of this Convention, the term ***woman*** signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term ***child*** signifies any child whether legitimate or illegitimate.

Article 3

In any public or private industrial or commercial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman:

- (a) shall not be permitted to work during the six weeks following her confinement;
- (b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks;
- (c) shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife; no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place;
- (d) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

Article 4

Where a woman is absent from her work in accordance with paragraph (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

Social policy*

Workers' Housing Recommendation, 1961 (No. 115)	703
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)	710
Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)	715

* 1) Withdrawn recommendations: Social Policy in Dependent Territories Recommendation, 1944 (No. 70); Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74). 2) Co-operatives (Developing Countries) Recommendation, 1966 (No. 127).

Workers' Housing Recommendation, 1961 (No. 115)

Status	Adoption
Up-to-date technical instrument	Geneva, ILC 45th Session (28 June 1961)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-fifth Session on 7 June 1961, and
 Having decided upon the adoption of certain proposals regarding workers' housing, which is the
 fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-one, the
 following Recommendation, which may be cited as the 'Workers Housing Recommendation, 1961:

Whereas the Constitution of the International Labour Organisation provides that the
 Organisation shall promote the objects set forth in the Declaration of Philadelphia, which recog-
 nises the solemn obligation of the International Labour Organisation to further among the nations
 of the world programmes which will achieve the provision of adequate housing; and

Whereas the Universal Declaration of Human Rights adopted by the General Assembly of the
 United Nations recognises that everyone has the right to a standard of living adequate for the health
 and well-being of himself and of his family, including housing; and

Whereas the United Nations and the International Labour Organisation have agreed, as set
 forth in the Integrated Work Programme of the United Nations and the Specialised Agencies in
 the Field of Housing and Town and Country Planning, noted by the Economic and Social Council
 and by the Governing Body of the International Labour Office in 1949, that the United Nations
 has an over-all responsibility within the general field of housing and town and country planning and
 the International Labour Organisation a special concern for matters relating to workers' housing;

The Conference recommends that each Member should, within the framework of its general
 social and economic policy, give effect to the following General Principles in such manner as may be
 appropriate under national conditions:

General principles

I. Scope

1. This Recommendation applies to the housing of manual and non-manual workers, including
 those who are self-employed and aged, retired or physically handicapped persons.

II. Objectives of national housing policy

2. It should be an objective of national policy to promote, within the framework of
 general housing policy, the construction of housing and related community facilities with
 a view to ensuring that adequate and decent housing accommodation and a suitable living
 environment are made available to all workers and their families. A degree of priority should
 be accorded to those whose needs are most urgent.

3. Attention should also be given to the upkeep, improvement and modernisation of existing
 housing and related community facilities.

4. The aim should be that adequate and decent housing accommodation should not cost the
 worker more than a reasonable proportion of income, whether by way of rent for, or by way of pay-
 ments towards the purchase of, such accommodation.

5. Workers' housing programmes should provide adequate scope for private, co-operative and
 public enterprise in house building.

6. In view of the fact that programmes of large-scale permanent housing construction may compete directly with programmes for economic growth and development – since scarce skilled and semi-skilled labour or scarce material resources may be needed for housing as well as for other types of production required for the expansion of production capacity – housing policy should be co-ordinated with general social and economic policy, so that workers' housing may be given a degree of priority which takes into account both the need therefor and the requirements of balanced economic development.

7. Each family should have a separate, self-contained dwelling, if it so desires.

III. The responsibility of public authorities

8. (1) The competent national authorities, having due regard to the constitutional structure of the country concerned, should set up a central body with which should be associated all public authorities having some responsibility relating to housing.

(2) The responsibilities of the central body should include:

- (a) studying and assessing the needs for workers' housing and related community facilities; and
- (b) formulating workers' housing programmes, such programmes to include measures for slum clearance and the rehousing of occupiers of slum dwellings.

(3) Representative employers' and workers' organisations, as well as other organisations concerned, should be associated in the work of the central body.

9. National housing programmes should aim at ensuring, consistently with other national goals and within limits set by housing and related needs, that all private and public resources which can be made available for the purpose are co-ordinated and utilised for the construction of workers' housing and related community facilities.

10. Where a substantial permanent increase of house-building capacity is required in order to meet national needs for workers' housing on a continuing basis, economic development programmes should include, consistently with other national goals, measures to provide in the long run the skilled manpower, materials, equipment and finance required for house building.

11. Public authorities should, to the extent required and as far as practicable, assume responsibility either for providing directly or for stimulating the provision of workers' housing on a rental or home-ownership basis.

IV. Housing provided by employers

12. (1) Employers should recognise the importance to them of the provision of housing for their workers on an equitable basis by public agencies or by autonomous private agencies, such as co-operative and other housing associations, separate from the employers' enterprises.

(2) It should be recognised that it is generally not desirable that employers should provide housing for their workers directly, with the exception of cases in which circumstances necessitate that employers provide housing for their workers, as, for instance, when an undertaking is located at a long distance from normal centres of population, or where the nature of the employment requires that the worker should be available at short notice.

(3) In cases where housing is provided by the employer:

- (a) the fundamental human rights of the workers, in particular freedom of association, should be recognised;
- (b) national law and custom should be fully respected in terminating the lease or occupancy of such housing on termination of the workers' contracts of employment; and
- (c) rents charged should be in conformity with the principle set out in Paragraph 4 above, and in any case should not include a speculative profit.

(4) The provision by employers of accommodation and communal services in payment for work should be prohibited or regulated to the extent necessary to protect the interests of the workers.

V. Financing

13. (1) The competent authorities should take such measures as are appropriate to ensure the execution of the accepted programmes of workers' housing by securing a regular and continuous provision of the necessary financial means.

(2) For this purpose:

- (a) public and private facilities should be made available for loans at moderate rates of interest; and
- (b) such facilities should be supplemented by other suitable methods of direct and indirect financial assistance such as subsidies, tax concessions, and reduction of assessments, to appropriate private, co-operative and public owners of housing.

14. Governments and employers' and workers' organisations should encourage co-operative and similar non-profit housing societies.

15. Public authorities should endeavour to ensure that public and private facilities for loans on reasonable terms are available to workers who wish to own or to build their dwellings, and should take such other steps as would facilitate home ownership.

16. National mortgage insurance systems or public guarantees of private mortgages should be established as a means of promoting the building of workers' housing in countries where a sound credit market exists and where such systems are considered appropriate.

17. Appropriate measures should be taken in accordance with national practice:

- (a) to stimulate saving by individuals, co-operative societies and private institutions which can be used to finance workers' housing; and
- (b) to encourage investment by individuals, co-operative societies and private institutions in the construction of workers' housing.

18. Workers' housing built with assistance from public funds should not become the object of speculation.

VI. Housing standards

19. As a general principle, the competent authority should, in order to ensure structural safety and reasonable levels of decency, hygiene and comfort, establish minimum housing standards in the light of local conditions and take appropriate measures to enforce these standards.

VII. Measures to promote efficiency in the building industry

20. Governments, in association with employers' and workers' organisations, should promote measures to achieve the most efficient use of available resources in the building and associated industries and, where necessary, should encourage the development of new resources.

VIII. House building and employment stabilisation

21. National housing programmes should be planned so as to permit a speeding up of the construction of workers' housing and related community facilities during slack periods.

22. Appropriate measures should be taken by governments and employers' and workers' organisations to increase the annual output of workers' housing and related facilities by reducing seasonal unemployment in the building industry, subject to the principles referred to in Paragraph 6 above.

IX. Town, country and regional planning

23. The development and execution of workers' housing programmes should conform to sound town, country and regional planning practice.

24. (1) Public authorities should take all appropriate steps to prevent land speculation.

(2) Public authorities should:

- (a) have the power to acquire land at a fair price for workers' housing and related community facilities; and
- (b) create land reserves in appropriate situations in order to facilitate advance planning of such housing and facilities.

(3) Such land should be made available for workers' housing and related community facilities at a fair price.

X. Application of general principles

25. In applying the General Principles set forth in this Recommendation, each Member of the International Labour Organisation and the employers' and workers' organisations concerned should be guided, to the extent possible and desirable, by the accompanying Suggestions concerning Methods of Application of the Recommendation.

Suggestions concerning methods of application

I. General considerations

1. Workers' housing programmes adopted and pursued in accordance with Paragraph 8 of the General Principles should be such as to lead to maximum improvement in workers' housing conditions as quickly as relevant considerations – such as available national resources, state of economic development, technology and priorities competing with housing – permit.

2. Special consideration should be given in national housing programmes, particularly in developing countries, to the housing needs of workers employed in, or required by, industries or regions which are of great national importance.

3. In establishing and carrying out workers' housing programmes, special attention should be given at the local level to:

- (a) the size and age and sex composition of the worker's family;
- (b) the relationship of the persons within the family; and
- (c) the particular circumstances of physically handicapped persons, persons living on their own and aged persons.

4. Measures should be taken, where appropriate, to achieve a more effective utilisation of the existing supply of rental housing by encouraging an exchange of occupancies in accordance with housing needs, arising for example from size of family or place of work.

5. The competent authorities should give special attention to the particular problem of housing migrant workers and, where appropriate, their families, with a view to achieving as rapidly as possible equality of treatment between migrant workers and national workers in this respect.

6. The collection and analysis of comprehensive building and population statistics as well as the undertaking of sociological studies should be encouraged as essential elements in the formulation and execution of long-term housing programmes.

II. Housing standards

7. The housing standards referred to in Paragraph 19 of the General Principles should relate in particular to:

- (a) the minimum space per person or per family as expressed in terms of one or more of the following, due regard being had to the need for rooms of reasonable dimensions and proportions:
 - (i) floor area;
 - (ii) cubic volume; or
 - (iii) size and number of rooms;
- (b) the supply of safe water in the workers' dwelling in such ample quantities as to provide for all personal and household uses;
- (c) adequate sewage and garbage disposal systems;
- (d) appropriate protection against heat, cold, damp, noise, fire, and disease-carrying animals, and, in particular, insects;
- (e) adequate sanitary and washing facilities, ventilation, cooking and storage facilities and natural and artificial lighting;
- (f) a minimum degree of privacy both:
 - (i) as between individual persons within the household; and
 - (ii) for the members of the household against undue disturbance by external factors; and
- (g) suitable separation of rooms devoted to living purposes from quarters for animals.

8. Where housing accommodation for single workers or workers separated from their families is collective, the competent authority should establish housing standards providing, as a minimum, for:

- (a) a separate bed for each worker;
- (b) separate accommodation of the sexes;
- (c) adequate supply of safe water;
- (d) adequate drainage and sanitary conveniences;
- (e) adequate ventilation and, where appropriate, heating; and
- (f) common dining rooms, canteens, rest and recreation rooms and health facilities, where not otherwise available in the community.

9. Workers' housing standards should be revised from time to time to take account of social, economic and technical development and increases of real income per head.

10. In general, and in localities where employment opportunities are not of a temporary character, workers' housing and related community facilities should be of durable construction.

11. The aim should be to construct workers' housing and related community facilities in the most suitable materials available, having regard to local conditions, such as liability to earthquakes.

III. Special schemes

12. In the developing countries special consideration should be given, as an interim measure pending development of a skilled labour force and of a building industry, to schemes such as large-scale aided self-help schemes for short-life housing, which offer one means for improvement in housing conditions, particularly in rural areas. Simultaneously, steps should be taken in these countries for the training of unemployed and unskilled workers for the building industry, thereby increasing the capacity for building permanent dwellings.

13. All appropriate measures should be taken by governments, employers and employers' and workers' organisations to assist home ownership by workers and, where desirable, self-help housing schemes. Such measures might include, for example:

- (a) the provision of technical services, such as architectural assistance and, where necessary, competent supervision of the work;
- (b) research into housing and building matters and publication and dissemination of manuals and simple, illustrated pamphlets containing information on such matters as housing design, housing standards, and building techniques and materials;
- (c) training in simple building techniques of self-help housing;
- (d) the sale or hire of equipment, materials or tools at less than cost;
- (e) reduced interest rates and similar concessions, such as direct financial subsidies towards the initial capital outlay, the sale of land at less than developed cost and long leases of land at nominal rents.

14. All appropriate measures should be taken, where necessary, to give families information concerning the maintenance and rational use of facilities in the home.

IV. Housing provided by employers

15. In cases where housing is provided by the employer the following provisions should apply unless equivalent protection of the worker is ensured, whether by law or by collective or other binding agreements:

- (a) the employer should be entitled to repossess the accommodation within a reasonable time in the event of termination of the worker's contract of employment;
- (b) the worker or his family should be entitled to a reasonable period of continued occupancy to enable a satisfactory alternative dwelling to be obtained when he ceases to exercise his employment by reason of sickness, incapacity, the consequences of employment injury, retirement or death;
- (c) the worker who, in the event of termination of his employment, is obliged to vacate his accommodation, should be entitled to receive fair compensation:
 - (i) for crops which he is growing, with permission, on land belonging to the employer; and
 - (ii) as a general rule, for improvements enhancing permanently the amenities of the accommodation, which are made with the agreement of the employer, and the value of which has not yet been written off through use.

16. A worker occupying housing provided by his employer should maintain the premises in the condition in which he found them, fair wear and tear excepted.

17. Persons having social relations or business, including trade union business, with a worker occupying accommodation provided by the employer, should be entitled to free access to the house occupied by such worker.

18. The possibility should be examined, where appropriate, of a public authority or other institution or worker-occupants acquiring, for a fair price, ownership of housing provided by the employer, except in cases where such housing is within the operational area of the undertaking.

V. Financing

19. Public authorities should either finance directly or give financial assistance to rental housing schemes, especially for certain groups of workers, such as heads of newly formed families, single persons and those whose mobility is desirable for a balanced development of the economy.

20. Loans granted to workers in accordance with Paragraph 15 of the General Principles should cover all, or a substantial part of, the initial cost of the dwelling unit and should be repayable over a long period of time and at a moderate rate of interest.

21. Provident funds and social security institutions should be encouraged to use their reserves available for long-term investment to provide facilities for loans for workers' housing.

22. In the case of loans granted to workers to promote home ownership, adequate provision should be made to protect the worker against the loss of his financial equity in his house on account of unemployment, accident or other factors beyond his control, and in particular to protect his family against the loss of his financial equity in the event of his death.

23. Public authorities should render special financial assistance to workers who, by reason of inadequate income or excessively heavy outlay in respect of family responsibilities, are unable to obtain adequate accommodation.

24. In cases where public authorities provide direct financial assistance toward home ownership, the recipient should assume financial and other responsibilities with respect to such housing in so far as his capacity permits.

25. Public authorities giving financial assistance to housing programmes should ensure that tenancy or ownership of such workers' houses should not be refused on grounds of race, religion, political opinion or trade union membership.

VI. Measures to promote efficiency in the building industry

26. Workers' housing programmes should be carried out on a long-term basis, and should be spread over the whole year, in order to obtain the economies of continuous operation.

27. Appropriate measures should be taken for improving and, where necessary, expanding facilities for the training of skilled and semi-skilled workers, supervisory personnel, contractors and professional personnel, such as architects and engineers.

28. Where there is a shortage of building materials, tools or equipment, consideration should be given to such measures as giving priority to the construction of factories producing these goods, importing equipment for such factories and increasing trade in these goods.

29. Having full regard to considerations of health and safety, building codes and other regulations pertaining to design, materials and construction techniques should be so formulated as to permit the use of new building materials and methods, including locally available materials and self-help methods.

30. Special attention should be given, among other measures, to improved planning and organisation of work on the site, to greater standardisation of materials and simplification of working methods and to the application of the results of building research.

31. Every effort should be made to eliminate restrictive practices on the part of contractors, building-material suppliers and workers in the building industry.

32. National institutions should be developed for the purpose of undertaking research into social, economic and technical problems of workers' housing. Where appropriate, use might be made

of such services as can be made available by the Regional Housing Centres sponsored or assisted by the United Nations and other appropriate international organisations.

33. Every effort should be made to promote the efficiency of small-scale building contractors, for example by placing at their disposal information on low-cost materials and methods of building, by the provision of centralised facilities for hiring tools and equipment, by specialised training courses and by establishing suitable financial facilities where they do not already exist.

34. Measures for reducing building costs should not result in a lowering of the standards of workers' housing and related facilities.

VII. House building and employment stabilisation

35. Where unemployment in the construction industry is markedly in excess of the transitional unemployment which occurs during the period between the cessation of a construction workers' employment on one site and the commencement of his employment on another site, or where there is substantial unemployment outside the construction industry, programmes for workers' housing and related facilities should be expanded, where appropriate, to offer employment to as many unemployed persons as possible.

36. In periods of declining private construction or declining economic activity in general and in cases where there is a need for an increased volume of construction, the government should take special action to stimulate the construction of workers' housing and related facilities by local authorities, or private enterprise or both, by such means as financial assistance or extension of their borrowing powers.

37. Measures for increasing, if necessary, the volume of private housing might include a reduction in the rate of interest and in the size of down-payment required, and the lengthening of the amortisation period.

38. Where appropriate, measures to be taken to reduce seasonal unemployment in the construction industry may include:

- (a) the use of all appropriate plant, machinery, materials and techniques to enable construction work to be carried out in a safe and satisfactory manner and to protect the worker during periods traditionally regarded as unfavourable for the carrying out of construction operations;
- (b) education of those concerned regarding the technical feasibility and social desirability of not interrupting construction in unfavourable climatic conditions;
- (c) the payment of subsidies to offset in whole or in part additional costs which might be involved in construction under such conditions; and
- (d) the timing of various operations in programmes of workers' housing and related facilities in such manner as will help to reduce seasonal unemployment.

39. Appropriate steps should be taken, where necessary, to ensure administrative and financial co-ordination between the various central and local public authorities, and between them and private bodies, in carrying out an employment stabilisation programme affecting the construction of workers' housing and related facilities.

VIII. Rent policy

40. (1) Although in the highly industrialised countries with a high and rising standard of living one of the long-term objectives should be that rents should tend to cover the normal costs of housing accommodation, taking into account the principles laid down in Paragraph 4 of the General Principles, it should be a general aim that as the result of higher real wages and increased productivity in the building industry the percentage of the workers' income devoted to rent covering the normal cost of the dwelling should progressively diminish.

(2) No increase in rent should permit more than a reasonable rate of return for the investment.

(3) During periods of acute housing shortage, measures should be taken to prevent an undue rise in rents of existing workers' housing. As the housing shortage eases and a sufficient number of workers' dwellings of decent quality become available to meet the need, these measures may be, where appropriate, progressively relaxed, subject to the provisions of this Paragraph.

IX. Town, country and regional planning

41. Workers' housing should, in so far as practicable and taking into account available public and private transport facilities, be within easy reach of places of employment, and in close proximity to community facilities, such as schools, shopping centres, recreation areas and facilities for all age groups, religious facilities and medical services, and should be so sited as to form attractive and well-laid-out neighbourhoods, including open spaces.

42. In the design of houses and the planning of new communities for workers, every effort should be made to consult those bodies representative of future occupants best able to advise on the most suitable means of meeting their housing and environmental needs.

43. The siting of workers' housing should take into consideration the possibility of air pollution from factories, and topographical conditions which may have an important bearing on the disposal of surface run-off and of sewage and other wastes.

44. In the construction of short-life housing it is particularly important to ensure community planning and control over density of occupancy.

45. It is desirable to adopt the principle of providing in towns and cities for inter-related zones, such as residential, commercial and industrial zones, with a view to ensuring as agreeable an environment as possible for the worker and his family and to minimising the time spent and risks incurred by workers in going to and from work.

46. With a view to combating slums, the competent authorities, in collaboration, as appropriate, with civic and other organisations concerned, as well as with landlords, home owners and tenants, should take all practicable measures for the rehabilitation of slum areas by means such as renovation and modernisation of structures which are suitable for such action and the conservation of buildings of architectural or historical interest. The competent authorities should also take appropriate action to ensure adequate housing accommodation for families which may be temporarily displaced during the period when such rehabilitation is being carried out.

47. In order to lessen overcrowding in large urban centres, plans for future development should be formulated on a regional basis, with a view to preventing over-concentration of industry and population and to achieving a better balance between urban and rural development.

Social Policy (Basic Aims and Standards) Convention,
1962 (No. 117)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	23 Apr 1964	Geneva, ILC 46th Session (22 June 1962)	32

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals concerning the revision of the Social Policy (Non-Metropolitan Territories) Convention, 1947, which is the tenth item on the agenda of the Session, primarily with a view to making its continued application and ratification possible for independent States, and

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

Considering that economic development must serve as a basis for social progress, and

Considering that every effort should be made, on an international, regional or national basis, to secure financial and technical assistance safeguarding the interests of the population, and

Considering that, in appropriate cases, international, regional or national action should be taken with a view to establishing conditions of trade which would encourage production at a high level of efficiency and make possible the maintenance of a reasonable standard of living, and

Considering that all possible steps should be taken by appropriate international, regional and national measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production, and

Considering that all possible steps should be taken effectively to interest and associate the population in the framing and execution of measures of social progress,

adopts this twenty-second day of June of the year one thousand nine hundred and sixty-two the following Convention, which may be cited as the Social Policy (Basic Aims and Standards) Convention, 1962:

Part I. General principles

Article 1

1. All policies shall be primarily directed to the well-being and development of the population and to the promotion of its desire for social progress.
2. All policies of more general application shall be formulated with due regard to their effect upon the well-being of the population.

Part II. Improvement of standards of living

Article 2

The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

Article 3

1. All practicable measures shall be taken in the planning of economic development to harmonise such development with the healthy evolution of the communities concerned.
2. In particular, efforts shall be made to avoid the disruption of family life and of traditional social units, especially by:
 - (a) close study of the causes and effect of migratory movements and appropriate action where necessary;
 - (b) the promotion of town and village planning in areas where economic needs result in the concentration of population;
 - (c) the prevention and elimination of congestion in urban areas;
 - (d) the improvement of living conditions in rural areas and the establishment of suitable industries in rural areas where adequate manpower is available.

Article 4

The measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of agricultural producers shall include:

- (a) the elimination to the fullest practicable extent of the causes of chronic indebtedness;
- (b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interests of the country;

- (c) the control, by the enforcement of adequate laws or regulations, of the ownership and use of land resources to ensure that they are used, with due regard to customary rights, in the best interests of the inhabitants of the country;
- (d) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels;
- (e) the reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers co-operatives.

Article 5

1. Measures shall be taken to secure for independent producers and wage earners conditions which will give them scope to improve living standards by their own efforts and will ensure the maintenance of minimum standards of living as ascertained by means of official inquiries into living conditions, conducted after consultation with the representative organisations of employers and workers.

2. In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

Part III. Provisions concerning migrant workers

Article 6

Where the circumstances under which workers are employed involve their living away from their homes, the terms and conditions of their employment shall take account of their normal family needs.

Article 7

Where the labour resources of one area are used on a temporary basis for the benefit of another area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the area of labour supply.

Article 8

1. Where the labour resources of a country are used in an area under a different administration, the competent authorities of the countries concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation.

3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

Article 9

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

Part IV. Remuneration of workers and related questions

Article 10

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organisations shall be encouraged.

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist.

3. The necessary measures shall be taken to ensure that the employers and workers concerned are informed of the minimum wage rates in force and that wages are not paid at less than these rates in cases where they are applicable.

4. A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates shall be entitled to recover, by judicial or other means authorised by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

Article 11

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

2. Wages shall normally be paid in legal tender only.

3. Wages shall normally be paid direct to the individual worker.

4. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the worker shall be prohibited.

5. Payment of wages shall not be made in taverns or stores, except in the case of workers employed therein.

6. Unless there is an established local custom to the contrary, and the competent authority is satisfied that the continuance of this custom is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

7. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to ensure that they are adequate and their cash value properly assessed.

8. All practicable measures shall be taken:

- (a) to inform the workers of their wage rights;
- (b) to prevent any unauthorised deductions from wages; and
- (c) to restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the proper cash value thereof.

Article 12

1. The maximum amounts and manner of repayment of advances on wages shall be regulated by the competent authority.

2. The competent authority shall limit the amount of advances which may be made to a worker in consideration of his taking up employment; the amount of advances permitted shall be clearly explained to the worker.

3. Any advance in excess of the amount laid down by the competent authority shall be legally irrecoverable and may not be recovered by the withholding of amounts of pay due to the worker at a later date.

Article 13

1. Voluntary forms of thrift shall be encouraged among wage earners and independent producers.

2. All practicable measures shall be taken for the protection of wage earners and independent producers against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

Part V. Non-discrimination on grounds of race, colour, sex, belief, tribal association or trade union affiliation

Article 14

1. It shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of:

- (a) labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the country;
- (b) admission to public or private employment;
- (c) conditions of engagement and promotion;
- (d) opportunities for vocational training;
- (e) conditions of work;
- (f) health, safety and welfare measures;
- (g) discipline;
- (h) participation in the negotiation of collective agreements;
- (i) wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking.

2. All practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

3. Workers from one country engaged for employment in another country may be granted in addition to their wages benefits in cash or in kind to meet any reasonable personal or family expenses resulting from employment away from their homes.

4. The foregoing provisions of this Article shall be without prejudice to such measures as the competent authority may think it necessary or desirable to take for the safeguarding of motherhood and for ensuring the health, safety and welfare of women workers.

Part VI. Education and training

Article 15

1. Adequate provision shall be made to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the effective preparation of children and young persons of both sexes for a useful occupation.

2. National laws or regulations shall prescribe the school-leaving age and the minimum age for and conditions of employment.

3. In order that the child population may be able to profit by existing facilities for education and in order that the extension of such facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age during the hours when the schools are in session shall be prohibited in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

Article 16

1. In order to secure high productivity through the development of skilled labour, training in new techniques of production shall be provided in suitable cases.

2. Such training shall be organised by or under the supervision of the competent authorities, in consultation with the employers' and workers' organisations of the country from which the trainees come and of the country of training.

Social Policy (Non-Metropolitan Territories) Convention,
1947 (No. 82)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument subject to a request for information	19 June 1955	Geneva, ILC 30th Session (11 July 1947)	4

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning social policy in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Social Policy (Non-Metropolitan Territories) Convention, 1947:

Part I. Obligations of parties

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that the policies and measures set forth in the Convention shall be applied in the non-metropolitan territories for which it has or assumes responsibilities, including any trust territories for which it is the administering authority, other than the territories referred to in paragraphs 2 and 3 of this Article, subject to the concurrence of the Governments of the territories concerned in respect of any matters which are within the self-governing powers of the territories.

2. Where the subject matter of this Convention is wholly or primarily within the self-governing powers of any non-metropolitan territory, the Member responsible for the

international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

3. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

Part II. General principles

Article 2

1. All policies designed to apply to non-metropolitan territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of the peoples of non-metropolitan territories.

Article 3

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national or territorial basis, financial and technical assistance to the local administrations in order to further the economic development of non-metropolitan territories.

2. The terms under which such assistance is granted shall provide for such control by or co-operation with the local administrations in determining the nature of the economic development and the conditions under which the resulting work is undertaken as may be necessary to safeguard the interests of the peoples of such territories.

3. It shall be an aim of policy for the responsible government authorities to arrange that adequate funds are made available to provide public or private capital or both for development purposes on terms which secure to the peoples of non-metropolitan territories the fullest possible benefits from such development.

4. In appropriate cases, international, regional, or national action shall be taken with a view to establishing conditions of trade which will encourage production at a high level of efficiency and make possible the maintenance of a reasonable standard of living in non-metropolitan territories.

Article 4

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production.

Article 5

All possible steps shall be taken effectively to interest and associate the peoples of non-metropolitan territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

Part III. Improvement of standards of living

Article 6

The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

Article 7

1. All practicable measures shall be taken in the planning of economic development to harmonise such development with the healthy evolution of the communities concerned.

2. In particular, efforts shall be made to avoid the disruption of family life and of traditional social units, especially by:

- (a) close study of the causes and effects of migratory movements and appropriate action where necessary;
- (b) the promotion of town and village planning in areas where economic needs result in the concentration of population;
- (c) the prevention and elimination of congestion in urban areas;
- (d) the improvement of living conditions in rural areas and the establishment of suitable industries in rural areas where adequate manpower is available.

Article 8

The measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of agricultural producers shall include:

- (a) the elimination to the fullest practicable extent of the causes of chronic indebtedness;
- (b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interests of the territory;
- (c) the control, by the enforcement of adequate laws or regulations, of the ownership and use of land and resources to ensure that they are used, with due regard to customary rights, in the best interests of the inhabitants of the territory;
- (d) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels;
- (e) the reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers' co-operatives.

Article 9

1. Measures shall be taken to secure for independent producers and wage earners conditions which will give them scope to improve living standards by their own efforts and will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions, conducted after consultation with the representative organisations of employers and workers.

2. In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

Part IV. Provisions concerning migrant workers

Article 10

Where the circumstances under which workers are employed involve their living away from their homes, the terms and conditions of their employment shall take account of their normal family needs.

Article 11

Where the labour resources of one area of a non-metropolitan territory are used on a temporary basis for the benefit of another area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the area of labour supply.

Article 12

1. Where the labour resources of a territory are used in an area under a different administration, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation.

3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

Article 13

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

Part V. Remuneration of workers and related questions*Article 14*

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organisations shall be encouraged.

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist.

3. The necessary measures shall be taken to ensure that the employers and workers concerned are informed of the minimum wage rates in force and that wages are not paid at less than these rates in cases where they are applicable.

4. A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates shall be entitled to recover, by judicial or other means authorised by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

Article 15

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

2. Wages shall normally be paid in legal tender only.

3. Wages shall normally be paid direct to the individual worker.

4. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the worker shall be prohibited.

5. Payment of wages shall not be made in taverns or stores, except in the case of workers employed therein.

6. Unless there is an established local custom to the contrary, and the competent authority is satisfied that the continuance of this custom is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

7. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to ensure that they are adequate and their cash value properly assessed.

8. All practicable measures shall be taken:

- (a) to inform the workers of their wage rights;
- (b) to prevent any unauthorised deductions from wages; and
- (c) to restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the proper cash value thereof.

Article 16

1. The maximum amounts and manner of repayment of advances on wages shall be regulated by the competent authority.

2. The competent authority shall limit the amount of advances which may be made to a worker in consideration of his taking up employment; the amount of advances permitted shall be clearly explained to the worker.

3. Any advance in excess of the amount laid down by the competent authority shall be legally irrecoverable and may not be recovered by the withholding of amounts of pay due to the worker at a later date.

Article 17

1. Voluntary forms of thrift shall be encouraged among wage earners and independent producers.

2. All practicable measures shall be taken for the protection of wage earners and independent producers against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

Part VI. Non-discrimination on grounds of race, colour, sex, belief, tribal association or trade union affiliation

Article 18

1. It shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of:

- (a) labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the territory;
- (b) admission to public or private employment;
- (c) conditions of engagement and promotion;
- (d) opportunities for vocational training;
- (e) conditions of work;
- (f) health, safety and welfare measures;

- (g) discipline;
- (h) participation in the negotiation of collective agreements;
- (i) wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking to the extent to which recognition of this principle is accorded in the metropolitan territory.

2. Subject to the provisions of subparagraph (i) of the preceding paragraph, all practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

3. Workers from one territory engaged for employment in another territory may be granted in addition to their wages benefits in cash or in kind to meet any reasonable personal or family expenses resulting from employment away from their homes.

4. The foregoing provisions of this Article shall be without prejudice to such measures as the competent authority may think it necessary or desirable to take for the safeguarding of motherhood and for ensuring the health, safety and welfare of women workers.

Part VII. Education and training

Article 19

1. Adequate provision shall be made in non-metropolitan territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the effective preparation of children and young persons of both sexes for a useful occupation.

2. Territorial laws or regulations shall prescribe the school-leaving age and the minimum age for and conditions of employment.

3. In order that the child population may be able to profit by existing facilities for education and in order that the extension of such facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age during the hours when the schools are in session shall be prohibited in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

Article 20

1. In order to secure high productivity through the development of skilled labour in non-metropolitan territories, training in new techniques of production shall be provided in suitable cases in local, regional or metropolitan centres.

2. Such training shall be organised by or under the supervision of the competent authorities, in consultation with the employers' and workers' organisations of the territory from which the trainees come and of the country of training.

Part VIII. Miscellaneous provisions

Article 21

1. In respect of the territories covered by paragraph 1 of Article 1 of this Convention, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;

- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 22

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 2 and 3 of Article 1 of this Convention shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 23

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 24

If any Convention which may subsequently be adopted by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any territory in respect of which there has been communicated to the Director-General of the International Labour Office a declaration:

- (a) undertaking that the provisions of the said Convention shall be applied in pursuance of paragraph 2 of article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, or
- (b) accepting the obligations of the said Convention in pursuance of paragraph 5 of the said article 35.

Migrant workers*

Migration for Employment Convention (Revised), 1949 (No. 97)	725
Migration for Employment Recommendation (Revised), 1949 (No. 86)	734
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	746
Migrant Workers Recommendation, 1975 (No. 151)	751
Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)	756
Migration Statistics Recommendation, 1922 (No. 19)	764

* 1) Shelved convention: Inspection of Emigrants Convention, 1926 (No. 21). 2) Withdrawn instruments: Migration for Employment Convention, 1939 (No. 66); Reciprocity of Treatment Recommendation, 1919 (No. 2); Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26). 3) Replaced recommendations: Migration for Employment Recommendation, 1939 (No. 61); Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62).

Migration for Employment Convention (Revised), 1949 (No. 97)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	22 Jan 1952	Geneva, ILC 32nd Session (1 July 1949)	49

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Convention, 1939, adopted by the Conference at its Twenty-fifth Session, which is included in the eleventh item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention, adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Migration for Employment Convention (Revised), 1949:

Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to make available on request to the International Labour Office and to other Members:

- (a) information on national policies, laws and regulations relating to emigration and immigration;
- (b) information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment;
- (c) information concerning general agreements and special arrangements on these questions concluded by the Member.

Article 2

Each Member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information.

Article 3

1. Each Member for which this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For this purpose, it will where appropriate act in co-operation with other Members concerned.

Article 4

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment.

Article 5

Each Member for which this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for:

- (a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment and the members of their families authorised to accompany or join them are in reasonable health;
- (b) ensuring that migrants for employment and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

Article 6

1. Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:

- (a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities:
 - (i) remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons;
 - (ii) membership of trade unions and enjoyment of the benefits of collective bargaining;
 - (iii) accommodation;
- (b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:
 - (i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
 - (ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;
- (c) employment taxes, dues or contributions payable in respect of the person employed; and
- (d) legal proceedings relating to the matters referred to in this Convention.

2. In the case of a federal State the provisions of this Article shall apply in so far as the matters dealt with are regulated by federal law or regulations or are subject to the control of federal administrative authorities. The extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations of the constituent States, provinces or cantons, or subject to the control of the administrative authorities thereof, shall be determined by each Member. The Member shall indicate in its annual report upon the application of the Convention the extent to which the matters dealt with in this Article are regulated by federal law or regulations or are subject to the control of federal administrative authorities. In respect of matters which are regulated by the law or regulations of the constituent States, provinces or cantons, or are subject to the control of the administrative authorities thereof, the Member shall take the steps provided for in paragraph 7 (b) of Article 19 of the Constitution of the International Labour Organisation.

Article 7

1. Each Member for which this Convention is in force undertakes that its employment service and other services connected with migration will co-operate in appropriate cases with the corresponding services of other Members.

2. Each Member for which this Convention is in force undertakes to ensure that the services rendered by its public employment service to migrants for employment are rendered free.

Article 8

1. A migrant for employment who has been admitted on a permanent basis and the members of his family who have been authorised to accompany or join him shall not be returned to their territory of origin or the territory from which they emigrated because the migrant is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which the Member is a party so provides.

2. When migrants for employment are admitted on a permanent basis upon arrival in the country of immigration the competent authority of that country may determine that the provisions of paragraph 1 of this Article shall take effect only after a reasonable period which shall in no case exceed five years from the date of admission of such migrants.

Article 9

Each Member for which this Convention is in force undertakes to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire.

Article 10

In cases where the number of migrants going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

Article 11

1. For the purpose of this Convention the term *migrant for employment* means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.

2. This Convention does not apply to:

- (a) frontier workers;
- (b) short-term entry of members of the liberal professions and artistes; and
- (c) seamen.

ANNEX I

Recruitment, placing and conditions of labour of migrants
for employment recruited otherwise than under
government-sponsored arrangements for group transfer

Article 1

This Annex applies to migrants for employment who are recruited otherwise than under Government-sponsored arrangements for group transfer.

Article 2

For the purpose of this Annex:

- (a) the term *recruitment* means:
 - (i) the engagement of a person in one territory on behalf of an employer in another territory, or
 - (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;

- (b) the term *introduction* means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of paragraph (a) of this Article; and
- (c) the term *placing* means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of paragraph (b) of this Article.

Article 3

1. Each Member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to:

- (a) public employment offices or other public bodies of the territory in which the operations take place;
- (b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by agreement between the Governments concerned;
- (c) any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, the operations of recruitment, introduction and placing may be undertaken by:

- (a) the prospective employer or a person in his service acting on his behalf, subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority;
- (b) a private agency, if given prior authorisation so to do by the competent authority of the territory where the said operations are to take place, in such cases and under such conditions as may be prescribed by:
 - (i) the laws and regulations of that territory, or
 - (ii) agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.

4. The competent authority of the territory where the operations take place shall supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of paragraph 3 (b), other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

5. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any Member by any person or body other than the competent authority of the territory of immigration.

Article 4

Each Member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

Article 5

1. Each Member for which this Annex is in force which maintains a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require:

- (a) that a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration;
- (b) that the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant;
- (c) that the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

Article 6

The measures taken under Article 4 of the Convention shall, as appropriate, include:

- (a) the simplification of administrative formalities;
- (b) the provision of interpretation services;
- (c) any necessary assistance during an initial period in the settlement of the migrants and members of their families authorised to accompany or join them; and
- (d) the safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them.

Article 7

1. In cases where the number of migrants for employment going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employers shall be enforced.

Article 8

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

ANNEX II

Recruitment, placing and conditions of labour of migrants for employment recruited under government-sponsored arrangements for group transfer

Article 1

This Annex applies to migrants for employment who are recruited under Government-sponsored arrangements for group transfer.

Article 2

For the purpose of this Annex:

- (a) the term **recruitment** means:
 - (i) the engagement of a person in one territory on behalf of an employer in another territory under a Government-sponsored arrangement for group transfer, or
 - (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory under a Government-sponsored arrangement for group transfer,
 together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;
- (b) the term **introduction** means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited under a Government-sponsored arrangement for group transfer within the meaning of subparagraph (a) of this paragraph; and
- (c) the term **placing** means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced under a Government-sponsored arrangement for group transfer within the meaning of subparagraph (b) of this paragraph.

Article 3

1. Each Member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to:

- (a) public employment offices or other public bodies of the territory in which the operations take place;
- (b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by agreement between the Governments concerned;
- (c) any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, and subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority, the operations of recruitment, introduction and placing may be undertaken by:

- (a) the prospective employer or a person in his service acting on his behalf;
- (b) private agencies.

4. The right to engage in the operations of recruitment, introduction and placing shall be subject to the prior authorisation of the competent authority of the territory where the said operations are to take place in such cases and under such conditions as may be prescribed by:

- (a) the laws and regulations of that territory, or

- (b) agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.

5. The competent authority of the territory where the operations take place shall, in accordance with any agreements made between the competent authorities concerned, supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of the preceding paragraph, other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

6. Before authorising the introduction of migrants for employment the competent authority of the territory of immigration shall ascertain whether there is not a sufficient number of persons already available capable of doing the work in question.

7. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any Member by any person or body other than the competent authority of the territory of immigration.

Article 4

1. Each Member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

2. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

Article 5

In the case of collective transport of migrants from one country to another necessitating passage in transit through a third country, the competent authority of the territory of transit shall take measures for expediting the passage, to avoid delays and administrative difficulties.

Article 6

1. Each Member for which this Annex is in force which maintains a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require:

- (a) that a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration;
- (b) that the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant;
- (c) that the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

Article 7

1. The measures taken under Article 4 of this Convention shall, as appropriate, include:
 - (a) the simplification of administrative formalities;
 - (b) the provision of interpretation services;
 - (c) any necessary assistance, during an initial period in the settlement of the migrants and members of their families authorised to accompany or join them;
 - (d) the safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them; and
 - (e) permission for the liquidation and transfer of the property of migrants for employment admitted on a permanent basis.

Article 8

Appropriate measures shall be taken by the competent authority to assist migrants for employment, during an initial period, in regard to matters concerning their conditions of employment; where appropriate, such measures may be taken in co-operation with approved voluntary organisations.

Article 9

If a migrant for employment introduced into the territory of a Member in accordance with the provisions of Article 3 of this Annex fails, for a reason for which he is not responsible, to secure the employment for which he has been recruited or other suitable employment, the cost of his return and that of the members of his family who have been authorised to accompany or join him, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, shall not fall upon the migrant.

Article 10

If the competent authority of the territory of immigration considers that the employment for which a migrant for employment was recruited under Article 3 of this Annex has been found to be unsuitable, it shall take appropriate measures to assist him in finding suitable employment which does not prejudice national workers and shall take such steps as will ensure his maintenance pending placing in such employment, or his return to the area of recruitment if the migrant is willing or agreed to such return at the time of his recruitment, or his resettlement elsewhere.

Article 11

If a migrant for employment who is a refugee or a displaced person and who has entered a territory of immigration in accordance with Article 3 of this Annex becomes redundant in any employment in that territory, the competent authority of that territory shall use its best endeavours to enable him to obtain suitable employment which does not prejudice national workers, and shall take such steps as will ensure his maintenance pending placing in suitable employment or his resettlement elsewhere.

Article 12

1. The competent authorities of the territories concerned shall enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the Members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employer shall be enforced.

3. Such agreements shall provide, where appropriate, for co-operation between the competent authority of the territory of emigration or a body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration, in respect of the assistance to be given to migrants concerning their conditions of employment in virtue of the provisions of Article 8.

Article 13

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

ANNEX III
**Importation of the personal effects, tools and equipment
of migrants for employment**

Article 1

1. Personal effects belonging to recruited migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on arrival in the territory of immigration.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to recruited migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on arrival in the territory of immigration if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

Article 2

1. Personal effects belonging to migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on the return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there and if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

Migration for Employment Recommendation (Revised), 1949 (No. 86)

Status	Adoption
Up-to-date instrument	Geneva, ILC 32nd Session (1 July 1949)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met its Thirty-second Session on 8 June 1949, and
 Having decided upon the adoption of certain proposals with regard to the revision of the
 Migration for Employment Recommendation, 1939, and the Migration for Employment
 (Co-operation between States) Recommendation, 1939, adopted by the Conference at its
 Twenty-fifth Session, which are included in the eleventh item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this first day of July of the year one thousand nine hundred and forty-nine, the following
 Recommendation, which may be cited as the Migration for Employment Recommendation
 (Revised), 1949:

The Conference,
 Having adopted the Migration for Employment Convention (Revised), 1949, and
 Desiring to supplement its provisions by a Recommendation;
 Recommends as follows:

I

1. For the purpose of this Recommendation:
 - (a) the term *migrant for employment* means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment;
 - (b) the term *recruitment* means:
 - (i) the engagement of a person in one territory on behalf of an employer in another territory,
or
 - (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;
 - (c) the term *introduction* means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of subparagraph (b);
 - (d) the term *placing* means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of subparagraph (c).

2. For the purpose of this Recommendation, references to the Government or competent authority of a territory of emigration should be interpreted as referring, in the case of migrants who are refugees or displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

3. This Recommendation does not apply to:
 - (a) frontier workers;
 - (b) short-term entry of members of the liberal professions and artistes; and
 - (c) seamen.

II

4. (1) It should be the general policy of Members to develop and utilise all possibilities of employment and for this purpose to facilitate the international distribution of manpower and in particular the movement of manpower from countries which have a surplus of manpower to those countries that have a deficiency.

(2) The measures taken by each Member should have due regard to the manpower situation in the country and the Government should consult the appropriate organisations of employers and workers on all general questions concerning migration for employment.

III

5. (1) The free service provided in each country to assist migrants and their families and in particular to provide them with accurate information should be conducted:

- (a) by public authorities; or
- (b) by one or more voluntary organisations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities; or
- (c) partly by the public authorities and partly by one or more voluntary organisations fulfilling the conditions stated in subparagraph (b) of this Paragraph.

(2) The service should advise migrants and their families, in their languages or dialects or at least in a language which they can understand, on matters relating to emigration, immigration, employment and living conditions, including health conditions in the place of destination, return to the country of origin or of emigration, and generally speaking any other question which may be of interest to them in their capacity as migrants.

(3) The service should provide facilities for migrants and their families with regard to the fulfilment of administrative formalities and other steps to be taken in connection with the return of the migrants to the country of origin or of emigration, should the case arise.

(4) With a view to facilitating the adaptation of migrants, preparatory courses should, where necessary, be organised to inform the migrants of the general conditions and the methods of work prevailing in the country of immigration, and to instruct them in the language of that country. The countries of emigration and immigration should mutually agree to organise such courses.

6. On request information should be made available by Members to the International Labour Office and to other Members concerning their emigration laws and regulations, including administrative provisions relating to restrictions on emigration and facilities granted to emigrants, and appropriate details concerning the categories of persons wishing to emigrate.

7. On request information should be made available by Members to the International Labour Office and to other Members concerning their immigration laws and regulations, including administrative provisions, entry permits where needed, number and occupational qualifications of immigrants desired, laws and regulations affecting admission of migrants to employment, and any special facilities granted to migrants and measures to facilitate their adaptation to the economic and social organisation of the country of immigration.

8. There should, as far as possible, be a reasonable interval between the publication and the coming into force of any measure altering the conditions on which emigration or immigration or the employment of migrants is permitted in order that these conditions may be notified in good time to persons who are preparing to emigrate.

9. Provision should be made for adequate publicity to be given at appropriate stages to the principal measures referred to in the preceding Paragraph, such publicity to be in the languages most commonly known to the migrants.

10. Migration should be facilitated by such measures as may be appropriate:

- (a) to ensure that migrants for employment are provided in case of necessity with adequate accommodation, food and clothing on arrival in the country of immigration;
- (b) to ensure, where necessary, vocational training so as to enable the migrants for employment to acquire the qualifications required in the country of immigration;

- (c) to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of migrants for employment as the migrants may desire;
- (d) to arrange, in the case of permanent migration, for the transfer, where desired, to the country of immigration, of the capital of migrants for employment, within the limits allowed by national laws and regulations concerning export and import of currency;
- (e) to provide access to schools for migrants and members of their families.

11. Migrants and the members of their families should be assisted in obtaining access to recreation and welfare facilities, and steps should be taken where necessary to ensure that special facilities are made available during the initial period of settlement in the country of immigration.

12. In the case of migrants under Government-sponsored arrangements for group transfer, medical assistance should be extended to such migrants in the same manner as provided for nationals.

IV

13. (1) Where necessary in the interest of the migrant, Members should require that any intermediary who undertakes the recruitment, introduction or placing of migrants for employment on behalf of an employer must obtain a written warrant from the employer, or some other document proving that he is acting on the employer's behalf.

(2) This document should be drawn up in, or translated into, the official language of the country of emigration and should set forth all necessary particulars concerning the employer, concerning the nature and scope of the recruitment, introduction or placing which the intermediary is to undertake, and concerning the employment offered, including the remuneration.

14. (1) The technical selection of migrants for employment should be carried out in such a way as to restrict migration as little as possible while ensuring that the migrants are qualified to perform the required work.

(2) Responsibility for such selection should be entrusted:

- (a) to official bodies; or
- (b) where appropriate, to private bodies of the territory of immigration duly authorised and, where necessary in the interest of the migrant, supervised by the competent authority of the territory of emigration.

(3) The right to engage in selection should be subject to the prior authorisation of the competent authority of the territory where the said operation takes place, in such cases under such conditions as may be prescribed by the laws and regulations of that territory, or by agreement between the Government of the territory of emigration and the Government of the territory of immigration.

(4) As far as possible, intending migrants for employment should, before their departure from the territory of emigration, be examined for purposes of occupational and medical selection by a representative of the competent authority of the territory of immigration.

(5) If recruitment takes place on a sufficiently large scale there should be arrangements for close liaison and consultation between the competent authorities of the territories of emigration and immigration concerned.

(6) The operations referred to in the preceding subparagraphs of this Paragraph should be carried out as near as possible to the place where the intending migrant is recruited.

15. (1) Provision should be made by agreement for authorisation to be granted for a migrant for employment introduced on a permanent basis to be accompanied or joined by the members of his family.

(2) The movement of the members of the family of such a migrant authorised to accompany or join him should be specially facilitated by both the country of emigration and the country of immigration.

(3) For the purposes of this Paragraph, the members of the family of a migrant for employment should include his wife and minor children; favourable consideration should be given to requests for the inclusion of other members of the family dependent upon the migrant.

V

16. (1) Migrants for employment authorised to reside in a territory and the members of their families authorised to accompany or join them should as far as possible be admitted to employment in the same conditions as nationals.

(2) In countries in which the employment of migrants is subject to restrictions, these restrictions should as far as possible:

- (a) cease to be applied to migrants who have regularly resided in the country for a period, the length of which should not, as a rule, exceed five years; and
- (b) cease to be applied to the wife and children of an age to work who have been authorised to accompany or join the migrant, at the same time as they cease to be applied to the migrant.

17. In countries where the number of migrants for employment is sufficiently large, the conditions of employment of such workers should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specialising in this work.

VI

18. (1) When a migrant for employment has been regularly admitted to the territory of a Member, the said Member should, as far as possible, refrain from removing such person or the members of his family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between the competent authorities of the emigration and immigration territories concerned.

(2) Any such agreement should provide:

- (a) that the length of time the said migrant has been in the territory of immigration shall be taken into account and that in principle no migrant shall be removed who has been there for more than five years;
- (b) that the migrant must have exhausted his rights to unemployment insurance benefit;
- (c) that the migrant must have been given reasonable notice so as to give him time, more particularly to dispose of his property;
- (d) that suitable arrangements shall have been made for his transport and that of the members of his family;
- (e) that the necessary arrangements shall have been made to ensure that he and the members of his family are treated in a humane manner; and
- (f) that the costs of the return of the migrant and the members of his family and of the transport of their household belongings to their final destination shall not fall on him.

19. Appropriate steps should be taken by the authorities of the territories concerned to consult the employers' and workers' organisations concerning the operations of recruitment, introduction and placing of migrants for employment.

VII

20. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any condition as to previous residence or employment in the country or place.

VIII

21. (1) Members should in appropriate cases supplement the Migration for Employment Convention (Revised), 1949, and the preceding Paragraphs of the present Recommendation by bilateral agreements, which should specify the methods of applying the principles set forth in the Convention and in the Recommendation.

(2) In concluding such agreements, Members should take into account the provisions of the Model Agreement annexed to the present Recommendation in framing appropriate clauses for the organisation of migration for employment and the regulation of the conditions of transfer and employment of migrants, including refugees and displaced persons.

ANNEX

Model agreement on temporary and permanent migration for employment,
including migration of refugees and displaced persons

(Note: The phrases and passages in italics refer primarily to permanent migration; those enclosed within square brackets refer solely to migration of refugees and displaced persons.)

*Exchange of information**Article 1*

1. The competent authority of the territory of immigration shall periodically furnish appropriate information to the competent authority of the territory of emigration [or in the case of refugees and displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] concerning:

- (a) legislative and administrative provisions relating to entry, employment, residence and *settlement* of migrants *and of their families*;
- (b) the number, the categories and the occupational qualifications of the migrants desired;
- (c) the conditions of life and work for the migrants and, in particular, cost of living and minimum wages according to occupational categories and regions of employment, supplementary allowances, if any, nature of employments available, bonus on engagement, if any, social security systems and medical assistance, provisions concerning transport of migrants and of their tools and belongings, housing conditions and provisions for the supply of food and clothing, measures relating to the transfer of the migrants' savings and other sums due in virtue of this Agreement;
- (d) special facilities, if any, for migrants;
- (e) facilities for general education and vocational training for migrants;
- (f) *measures designed to promote rapid adaptation of migrants*;
- (g) *procedure and formalities required for naturalisation*.

2. The competent authority of the territory of emigration [or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] shall bring this information to the attention of persons or bodies interested.

3. The competent authority of the territory of emigration [or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] shall periodically furnish appropriate information to the competent authority of the territory of immigration concerning:

- (a) legislative and administrative provisions relating to emigration;
- (b) the number and occupational qualifications of intending emigrants, *as well as the composition of their families*;
- (c) the social security system;
- (d) special facilities, if any, for migrants;
- (e) *the environment and living conditions to which migrants are accustomed*;
- (f) *the provisions in force regarding the export of capital*.

4. The competent authority of the territory of immigration shall bring this information to the attention of persons or bodies interested.

5. The information mentioned in paragraphs 1 to 4 above shall also be transmitted by the respective parties to the International Labour Office.

Action against misleading propaganda

Article 2

1. The parties agree, with regard to their respective territories, to take all practical steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

2. For this purpose the parties will, where appropriate, act in co-operation with the competent authorities of other countries concerned.

Administrative formalities

Article 3

The parties agree to take measures with a view to accelerating and simplifying the carrying out of administrative formalities relating to departure, travel, entry, residence, *and settlement* of migrants and as far as possible for the members of their families. Such measures shall include the provision of an interpretation service, where necessary.

Validity of documents

Article 4

1. The parties shall determine the conditions to be met for purposes of recognition in the territory of immigration of any document issued by the competent authority of the territory of emigration in respect of migrants *and members of their families* [or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] concerning:

- (a) civil status;
- (b) legal status;
- (c) occupational qualifications;
- (d) general education and vocational training; and
- (e) participation in social security systems.

2. The parties shall also determine the application of such recognition.

[3. In the case of refugees and displaced persons, the competent authority of the territory of immigration shall recognise the validity of any travel document issued in lieu of a national passport by the competent authority of the territory of emigration and, in particular, of travel documents issued in accordance with the terms of an international Agreement (e.g. the travel document established by the Agreement of 15 October 1946, and the Nansen passport).]

Conditions and criteria of migration

Article 5

1. The parties shall jointly determine:

- (a) the requirements for migrants *and members of their families*, as to age, physical aptitude and health, as well as the occupational qualifications for the various branches of economic activity and for the various occupational categories;
- (b) *the categories of the members of the migrants' families authorised to accompany or to join them.*

2. The parties shall also determine, in accordance with the provisions of Article 28 of this Agreement:

- (a) the numbers and occupational categories of migrants to be recruited in the course of a stated period;
- (b) the areas of recruitment and the areas of placing and settlement [except that in the case of refugees and displaced persons the determination of the areas of recruitment shall be reserved to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government].

3. In order to recruit migrants required to meet the technical needs of the territory of immigration and who can adapt themselves easily to the conditions in the territory of immigration, the parties shall determine criteria to govern technical selection of the migrants.

4. In drawing up these criteria, the two parties shall take into consideration:

- (a) with respect to medical selection:
 - (i) the nature of the medical examination which migrants shall undergo (general medical examination, X-ray examination, laboratory examination, etc.) ;
 - (ii) the drawing up of lists of diseases and physical defects which clearly constitute a disability for employment in certain occupations;
 - (iii) minimum health provisions prescribed by international health conventions and relating to movement of population from one country to another;
- (b) with respect to vocational selection:
 - (i) qualifications required of migrants with respect to each occupation or groups of occupations;
 - (ii) enumeration of alternative occupations requiring similar qualifications or capacities on the part of the workers in order to fulfil the needs of specified occupations for which it is difficult to recruit a sufficient number of qualified workers;
 - (iii) development of psycho-technical testing;
- (c) with respect to selection based on the age of migrants, flexibility to be given to the application of age criteria in order to take into consideration on the one hand the requirements of various occupations and, on the other, the varying capacities of different individuals at a given age.

Organisation of recruitment, introduction and placing

Article 6

1. The bodies or persons which engage in the operations of recruitment, introduction and placing of migrants *and of members of their families* shall be named by the competent authorities of the respective territories [or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government on the one hand and the competent authority of the territory of immigration on the other] subject to the approval of both parties.

2. Subject to the provisions of the following paragraphs, the right to engage in the operations of recruitment, introduction and placing shall be restricted to:

- (a) public employment offices or other public bodies of the territory in which the operations take place;
- (b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by an agreement between the parties;
- (c) any body established in accordance with the terms of an international instrument.

3. In addition, in so far as the national laws and regulations of the parties permit and subject to the approval and supervision of the competent authorities of the parties, the operations of recruitment, introduction and placing may be undertaken by:

- (a) the prospective employer or a person in his service acting on his behalf; and
- (b) private agencies.

4. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

Selection testing

Article 7

1. An intending migrant shall undergo an appropriate examination in the territory of emigration; any such examination should inconvenience him as little as possible.

2. With respect to the organisation of the selection of migrants, the parties shall agree on:

- (a) recognition and composition of official agencies or private bodies authorised by the competent authority of the territory of immigration to carry out selection operations in the territory of emigration;

- (b) organisation of selection examinations, the centres where they are to be carried out, and allocation of expenses resulting from these examinations;
- (c) co-operation of the competent authorities of the two parties and in particular of their employment services in organising selection.

Information and assistance of migrants

Article 8

1. The migrant accepted after medical and occupational examination in the assembly or selection centre shall receive, in a language that he understands, all information he may still require as to the nature of the work for which he has been engaged, the region of employment, the undertaking to which he is assigned, travel arrangements and the conditions of life and work including health and related matters in the country and region to which he is going.

2. On arrival in the country of destination, and at a reception centre if such exists, or at the place of residence, migrants *and the members of their families* shall receive all the documents which they need for their work, their residence *and their settlement* in the country, as well as information, instruction and advice regarding conditions of life and work, and any other assistance that they may need to adapt themselves to the conditions in the country of immigration.

Education and vocational training

Article 9

The parties shall co-ordinate their activities concerning the organisation of educational courses for migrants, which shall include general information on the country of immigration, instruction in the language of that country, and vocational training.

Exchange of trainees

Article 10

The parties agree to further the exchange of trainees, and to determine in a separate agreement the conditions governing such exchanges.

Conditions of transport

Article 11

1. During the journey from their place of residence to the assembly or selection centre, as well as during their stay in the said centre, migrants *and the members of their families* shall receive from the competent authority of the territory of emigration [or in the case of refugees and displaced persons, from any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] any assistance which they may require.

2. The competent authorities of the territories of emigration and immigration shall, each within its own jurisdiction, safeguard the health and welfare of, and render assistance to, migrants *and the members of their families* during the journey from the assembly or selection centre to the place of their employment, as well as during their stay in a reception centre if such exists.

3. Migrants and *members of their families* shall be transported in a manner appropriate for human beings and in conformity with the laws and regulations in force.

4. The parties shall agree upon the terms and conditions for the application of the provisions of this Article.

Travel and maintenance expenses

Article 12

The parties shall agree upon the methods for meeting the cost of travel of the migrants *and the members of their families* from the place of their residence to the place of their destination, and the cost of their maintenance while travelling, sick or hospitalised, as well as the cost of transport of their personal belongings.

Transfer of funds

Article 13

1. The competent authority of the territory of emigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorise and provide facilities for migrants *and for members of their families* to withdraw from their country such sums as they may need for their initial settlement abroad.

2. The competent authority of the territory of immigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorise and provide facilities for the periodical transfer to the territory of emigration of migrants' savings and of any other sums due in virtue of this Agreement.

3. The transfers of funds mentioned in paragraphs 1 and 2 above shall be made at the prevailing official rate of exchange.

4. The parties shall take all measures necessary for the simplification and acceleration of administrative formalities regarding the transfer of funds so that such funds may be available with the least possible delay to those entitled to them.

5. The parties shall determine if and under what conditions a migrant may be required to remit part of his wages for the maintenance of his family remaining in his country or in the territory from which he emigrated.

Adaptation and naturalisation

Article 14

The competent authority of the territory of immigration shall take measures to facilitate adaptation to national climatic, economic and social conditions and facilitate the procedure of naturalisation of migrants and of members of their families.

Supervision of living and working conditions

Article 15

1. Provision shall be made for the supervision by the competent authority or duly authorised bodies of the territory of immigration of the living and working conditions, including hygienic conditions, to which the migrants are subject.

2. With respect to temporary migrants, the parties shall provide, where appropriate, for authorised representatives of the territory of emigration [or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] to co-operate with the competent authority or duly authorised bodies of the territory of immigration in carrying out this supervision.

3. During a fixed period, the duration of which shall be determined by the parties, migrants shall receive special assistance in regard to matters concerning their conditions of employment.

4. Assistance with respect to the employment and living conditions of the migrants may be given either through the regular labour inspection service of the territory of immigration or through a special service for migrants, in co-operation where appropriate with approved voluntary organisations.

5. Provision shall be made where appropriate for the co-operation of representatives of the territory of emigration [or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] with such services.

Settlement of disputes

Article 16

1. In case of a dispute between a migrant and his employer, the migrant shall have access to the appropriate courts or shall otherwise obtain redress for his grievances, in accordance with the laws and regulations of the territory of immigration.

2. The authorities shall establish such other machinery as is necessary to settle disputes arising out of the Agreement.

Equality of treatment

Article 17

1. The competent authority of the territory of immigration shall grant to migrants *and to members of their families* with respect to employment in which they are eligible to engage treatment no less favourable than that applicable to its own nationals in virtue of legal or administrative provisions or collective labour agreements.

2. Such equality of treatment shall apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within the territory of immigration in respect of the following matters:

- (a) in so far as such matters are regulated by laws or regulations or are subject to the control of administrative authorities,
 - (i) remuneration, including family allowances where these form part of remuneration, hours of work, weekly rest days, overtime arrangements, holidays with pay and other regulations concerning employment, including limitations on home work, minimum age provisions, women's work, and the work of young persons;
 - (ii) membership of trade unions and enjoyment of the benefits of collective bargaining;
 - (iii) admission to schools, to apprenticeship and to courses or schools for vocational or technical training, provided that this does not prejudice nationals of the country of immigration;
 - (iv) recreation and welfare measures;
- (b) employment taxes, dues or contributions payable in respect of the persons employed;
- (c) hygiene, safety and medical assistance;
- (d) legal proceedings relating to the matters referred to in this Agreement.

Access to trades and occupations and the right to acquire property

Article 18

Equality of treatment shall also apply to:

- (a) *access to trades and occupations to the extent permitted under national laws and regulations;*
- (b) *acquisition, possession and transmission of urban or rural property.*

Supply of food

Article 19

The treatment applied to migrants *and the members of their families* shall be the same as that applied to national workers in the same occupation as regards the supply of food.

Housing conditions

Article 20

The competent authority of the territory of immigration shall ensure that migrants *and the members of their families* have hygienic and suitable housing, in so far as the necessary housing is available.

Social security

Article 21

1. The two parties shall determine in a separate agreement the methods of applying a system of social security to migrants and their dependants.

2. *Such agreement shall provide that the competent authority of the territory of immigration shall take measures to ensure to the migrants and their dependants treatment not less favourable than that afforded by it to its nationals, except where particular residence qualifications apply to nationals.*

3. *The agreement shall embody appropriate arrangements for the maintenance of migrants' acquired rights and rights in course of acquisition framed with due regard to the principles of the Maintenance of Migrants' Pension Rights Convention, 1935, or of any revision of that Convention.*

4. The agreement shall provide that the competent authority of the territory of immigration shall take measures to grant to temporary migrants and their dependants treatment not less favourable than that afforded by it to its nationals, subject in the case of compulsory pension schemes to appropriate arrangements being made for the maintenance of migrants' acquired rights and rights in course of acquisition.

Contracts of employment

Article 22

1. In countries where a system of model contracts is used, the individual contract of employment for migrants shall be based on a model contract drawn up by the parties for the principal branches of economic activity.

2. The individual contract of employment shall set forth the general conditions of engagement and of employment provided in the relevant model contract and shall be translated into a language which the migrant understands. A copy of the contract shall be delivered to the migrant before departure from the territory of emigration or, if it is agreed between the two parties concerned, in a reception centre on arrival in the territory of immigration. In the latter case before departure the migrant shall be informed in writing by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category in which he is to be engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The individual contract of employment shall contain necessary information, such as:

- (a) the full name of the worker as well as the date and place of birth, his family status, his place of residence and of recruitment;
- (b) the nature of the work, and the place where it is to be performed;
- (c) the occupational category in which he is placed;
- (d) remuneration for ordinary hours of work, overtime, night work and holidays, and the medium for wage payment;
- (e) bonuses, indemnities and allowances, if any;
- (f) conditions under which and extent to which the employer may be authorised to make any deductions from remuneration;
- (g) conditions regarding food if food is to be provided by the employer;
- (h) the duration of the contract as well as the conditions of renewal and denunciation of the contract;
- (i) the conditions under which entry and residence in the territory of immigration are permitted;
- (j) the method of meeting the expenses of the journey of the migrant *and the members of his family*;
- (k) in case of temporary migration, the method of meeting the expenses of return to the home country or the territory of migration, as appropriate;
- (l) the grounds on which a contract may be prematurely terminated.

Change of employment

Article 23

1. If the competent authority of the territory of immigration considers that the employment for which the migrant has been recruited does not correspond to his physical capacity or occupational qualifications, the said authority shall provide facilities for placing the said migrant in an employment corresponding to his capacity or qualifications, and in which he may be employed in accordance with national laws or regulations.

2. During periods of unemployment, if any, the method of maintaining the migrant *and the dependent members of his family authorised to accompany or join him* shall be determined by arrangements made under a separate agreement.

Employment stability

Article 24

1. If before the expiration of the period of his contract the migrant for employment becomes redundant in the undertaking or branch of economic activity for which he was engaged, the competent authority of the territory of immigration shall, subject to the provisions of the contract, facilitate the placing of the said migrant in other suitable employment in which he may be employed in accordance with national laws or regulations.

2. If the migrant is not entitled to benefits under an unemployment insurance or assistance scheme, his maintenance, *as well as that of dependent members of his family* during any period in which he is unemployed shall be determined by a separate agreement in so far as this is not inconsistent with the terms of his contract.

3. The provisions of this Article shall not affect the right of the migrant to benefit from any provisions that may be included in his contract in case it is prematurely terminated by the employer.

Provisions concerning compulsory return

Article 25

1. The competent authority of the territory of immigration undertakes that a migrant *and the members of his family who have been authorised to accompany or join him* will not be returned to the territory from which he emigrated unless he so desires if, because of illness or injury, he is unable to follow his occupation.

2. The Government of the territory of immigration undertakes not to send refugees and displaced persons or migrants who do not wish to return to their country of origin for political reasons back to their territory of origin as distinct from the territory from which they were recruited, unless they formally express this desire by a request in writing addressed both to the competent authority of the territory of immigration and the representative of the body set up in accordance with the provisions of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

Return journey

Article 26

1. The cost of the return journey of a migrant introduced under a plan sponsored by the Government of the territory of immigration, who is obliged to leave his employment for reasons for which he is not responsible, and who cannot, in virtue of national laws and regulations, be placed in an employment for which he is eligible, shall be regulated as follows:

- (a) the cost of the return journey of the migrant, and persons dependent upon him, shall in no case fall on the migrant himself;
- (b) supplementary bilateral agreements shall specify the method of meeting the cost of this return journey;
- (c) in any case, even if no provision to this effect is included in a bilateral agreement, the information given to migrants at the time of their recruitment shall specify what person or agency is responsible for defraying the cost of return in the circumstances mentioned in this Article.

2. In accordance with the methods of co-operation and consultation agreed upon under Article 28 of this Agreement, the two parties shall determine the measures necessary to organise the return home of the said persons and to assure to them in the course of the journey the conditions of health and welfare and the assistance which they enjoyed during the outward journey.

3. The competent authority of the territory of emigration shall exempt from customs duties on their arrival:

- (a) personal effects; and
- (b) portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades, which have been in possession and use of the said persons for an appreciable time and which are intended to be used by them in the course of their occupation.

*Double taxation**Article 27*

The two parties shall determine in a separate agreement the measures to be taken to avoid double taxation on the earnings of a migrant for employment.

*Methods of co-operation**Article 28*

1. The two parties shall agree on the methods of consultation and co-operation necessary to carry out the terms of the Agreement.

2. When so requested by the representatives of the two parties the International Labour Office shall be associated with such consultation and co-operation.

*Final provisions**Article 29*

1. The parties shall determine the duration of the Agreement as well as the period of notice for termination.

2. The parties shall determine those provisions of this Agreement which shall remain in operation after expiration of this Agreement.

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	9 Dec 1978	Geneva, ILC 60th Session (24 June 1975)	23

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Considering that the Preamble of the Constitution of the International Labour Organisation assigns to it the task of protecting “the interests of workers when employed in countries other than their own”, and

Considering that the Declaration of Philadelphia reaffirms, among the principles on which the Organisation is based, that “labour is not a commodity”, and that “poverty anywhere constitutes a danger to prosperity everywhere”, and recognises the solemn obligation of the ILO to further programmes which will achieve in particular full employment through “the transfer of labour, including for employment ...”,

Considering the ILO World Employment Programme and the Employment Policy Convention and Recommendation, 1964, and emphasising the need to avoid the excessive and uncontrolled or unassisted increase of migratory movements because of their negative social and human consequences, and

Considering that in order to overcome underdevelopment and structural and chronic unemployment, the governments of many countries increasingly stress the desirability of encouraging the transfer of capital and technology rather than the transfer of workers

in accordance with the needs and requests of these countries in the reciprocal interest of the countries of origin and the countries of employment, and

Considering the right of everyone to leave any country, including his own, and to enter his own country, as set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and

Recalling the provisions contained in the Migration for Employment Convention and Recommendation (Revised), 1949, in the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, in the Employment Policy Convention and Recommendation, 1964, in the Employment Service Convention and Recommendation, 1948, and in the Fee-Charging Employment Agencies Convention (Revised), 1949, which deal with such matters as the regulation of the recruitment, introduction and placing of migrant workers, the provision of accurate information relating to migration, the minimum conditions to be enjoyed by migrants in transit and on arrival, the adoption of an active employment policy and international collaboration in these matters, and

Considering that the migration of workers due to conditions in labour markets should take place under the responsibility of official agencies for employment or in accordance with the relevant bilateral or multilateral agreements, in particular those permitting free circulation of workers, and

Considering that evidence of the existence of illicit and clandestine trafficking in labour calls for further standards specifically aimed at eliminating these abuses, and

Recalling the provisions of the Migration for Employment Convention (Revised), 1949, which require ratifying Members to apply to immigrants lawfully within their territory treatment not less favourable than that which they apply to their nationals in respect of a variety of matters which it enumerates, in so far as these are regulated by laws or regulations or subject to the control of administrative authorities, and

Recalling that the definition of the term “discrimination” in the Discrimination (Employment and Occupation) Convention, 1958, does not mandatorily include distinctions on the basis of nationality, and

Considering that further standards, covering also social security, are desirable in order to promote equality of opportunity and treatment of migrant workers and, with regard to matters regulated by laws or regulations or subject to the control of administrative authorities, ensure treatment at least equal to that of nationals, and

Noting that, for the full success of action regarding the very varied problems of migrant workers, it is essential that there be close co-operation with the United Nations and other specialised agencies, and

Noting that, in the framing of the following standards, account has been taken of the work of the United Nations and of other specialised agencies and that, with a view to avoiding duplication and to ensuring appropriate co-ordination, there will be continuing co-operation in promoting and securing the application of the standards, and

Having decided upon the adoption of certain proposals with regard to migrant workers, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention supplementing the Migration for Employment Convention (Revised), 1949, and the Discrimination (Employment and Occupation) Convention, 1958,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Migrant Workers (Supplementary Provisions) Convention, 1975:

Part I. Migrations in abusive conditions

Article 1

Each Member for which this Convention is in force undertakes to respect the basic human rights of all migrant workers.

Article 2

1. Each Member for which this Convention is in force shall systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations.

2. The representative organisations of employers and workers shall be fully consulted and enabled to furnish any information in their possession on this subject.

Article 3

Each Member shall adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members:

- (a) to suppress clandestine movements of migrants for employment and illegal employment of migrants, and
- (b) against the organisers of illicit or clandestine movements of migrants for employment departing from, passing through or arriving in its territory, and against those who employ workers who have immigrated in illegal conditions,

in order to prevent and to eliminate the abuses referred to in Article 2 of this Convention.

Article 4

In particular, Members shall take such measures as are necessary, at the national and the international level, for systematic contact and exchange of information on the subject with other States, in consultation with representative organisations of employers and workers.

Article 5

One of the purposes of the measures taken under Articles 3 and 4 of this Convention shall be that the authors of manpower trafficking can be prosecuted whatever the country from which they exercise their activities.

Article 6

1. Provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and the application of administrative, civil and penal sanctions, which include imprisonment in their range, in respect of the illegal employment of migrant workers, in respect of the organisation of movements of migrants for employment defined as involving the abuses referred to in Article 2 of this Convention, and in respect of knowing assistance to such movements, whether for profit or otherwise.

2. Where an employer is prosecuted by virtue of the provision made in pursuance of this Article, he shall have the right to furnish proof of his good faith.

Article 7

The representative organisations of employers and workers shall be consulted in regard to the laws and regulations and other measures provided for in this Convention and designed to

prevent and eliminate the abuses referred to above, and the possibility of their taking initiatives for this purpose shall be recognised.

Article 8

1. On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, work permit.

2. Accordingly, he shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining.

Article 9

1. Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularised, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits.

2. In case of dispute about the rights referred to in the preceding paragraph, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative.

3. In case of expulsion of the worker or his family, the cost shall not be borne by them.

4. Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment.

Part II. Equality of opportunity and treatment

Article 10

Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

Article 11

1. For the purpose of this Part of this Convention, the term *migrant worker* means a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker.

2. This Part of this Convention does not apply to:

- (a) frontier workers;
- (b) artistes and members of the liberal professions who have entered the country on a short-term basis;
- (c) seamen;
- (d) persons coming specifically for purposes of training or education;

- (e) employees of organisations or undertakings operating within the territory of a country who have been admitted temporarily to that country at the request of their employer to undertake specific duties or assignments, for a limited and defined period of time, and who are required to leave that country on the completion of their duties or assignments.

Article 12

Each Member shall, by methods appropriate to national conditions and practice:

- (a) seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the policy provided for in Article 10 of this Convention;
- (b) enact such legislation and promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) take measures, encourage educational programmes and develop other activities aimed at acquainting migrant workers as fully as possible with the policy, with their rights and obligations and with activities designed to give effective assistance to migrant workers in the exercise of their rights and for their protection;
- (d) repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (e) in consultation with representative organisations of employers and workers, formulate and apply a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment;
- (f) take all steps to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of their mother tongue;
- (g) guarantee equality of treatment, with regard to working conditions, for all migrant workers who perform the same activity whatever might be the particular conditions of their employment.

Article 13

1. A Member may take all necessary measures which fall within its competence and collaborate with other Members to facilitate the reunification of the families of all migrant workers legally residing in its territory.

2. The members of the family of the migrant worker to which this Article applies are the spouse and dependent children, father and mother.

Article 14

A Member may:

- (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract;
- (b) after appropriate consultation with the representative organisations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas;
- (c) restrict access to limited categories of employment or functions where this is necessary in the interests of the State.

Migrant Workers Recommendation, 1975 (No. 151)

Status	Adoption
Up-to-date instrument	Geneva, ILC 60th Session (24 June 1975)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Considering that the Preamble of the Constitution of the International Labour Organisation assigns to it the task of protecting the interests of workers when employed in countries other than their own, and

Recalling the provisions contained in the Migration for Employment Convention and Recommendation (Revised), 1949, and in the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, which deal with such matters as the preparation and organisation of migration, social services to be provided to migrant workers and their families, in particular before their departure and during their journey, equality of treatment as regards a variety of matters which they enumerate, and the regulation of the stay and return of migrant workers and their families, and

Having adopted the Migrant Workers (Supplementary Provisions) Convention, 1975, and

Considering that further standards are desirable as regards equality of opportunity and treatment, social policy in regard to migrants and employment and residence, and

Having decided upon the adoption of certain proposals with regard to migrant workers, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-five, the following Recommendation, which may be cited as the Migrant Workers Recommendation, 1975:

1. Members should apply the provision of this Recommendation within the framework of a coherent policy on international migration for employment. That policy should be based upon the economic and social needs of both countries of origin and countries of employment; it should take account not only of short-term manpower needs and resources but also of the long-term social and economic consequences of migration for migrants as well as for the communities concerned.

I. Equality of opportunity and treatment

2. Migrant workers and members of their families lawfully within the territory of a Member should enjoy effective equality of opportunity and treatment with nationals of the Member concerned in respect of:

- (a) access to vocational guidance and placement services;
- (b) access to vocational training and employment of their own choice on the basis of individual suitability for such training or employment, account being taken of qualifications acquired outside the territory of and in the country of employment;
- (c) advancement in accordance with their individual character, experience, ability and diligence;
- (d) security of employment, the provision of alternative employment, relief work and retraining;
- (e) remuneration for work of equal value;
- (f) conditions of work, including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (g) membership of trade unions, exercise of trade union rights and eligibility for office in trade unions and in labour-management relations bodies, including bodies representing workers in undertakings;
- (h) rights of full membership in any form of co-operative;

- (i) conditions of life, including housing and the benefits of social services and educational and health facilities.

3. Each Member should ensure the application of the principles set forth in Paragraph 2 of this Recommendation in all activities under the control of a public authority and promote its observance in all other activities by methods appropriate to national conditions and practice.

4. Appropriate measures should be taken, with the collaboration of employers' and workers' organisations and other bodies concerned, with a view to:

- (a) fostering public understanding and acceptance of the above-mentioned principles;
- (b) examining complaints that these principles are not being observed and securing the correction, by conciliation of other appropriate means, of any practices regarded as in conflict therewith.

5. Each Member should ensure that national laws and regulations concerning residence in its territory are so applied that the lawful exercise of rights enjoyed in pursuance of these principles cannot be the reason for non-renewal of a residence permit or for expulsion and is not inhibited by the threat of such measures.

6. A Member may:

- (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract;
- (b) after appropriate consultation with the representative organisations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas;
- (c) restrict access to limited categories of employment or functions where this is necessary in the interests of the State.

7. (1) In order to enable migrant workers and their families to take full advantage of their rights and opportunities in employment and occupation, such measures as may be necessary should be taken, in consultation with the representative organisations of employers and workers:

- (a) to inform them, as far as possible in their mother tongue or, if that is not possible, in a language with which they are familiar, of their rights under national law and practice as regards the matters dealt with in Paragraph 2 of this Recommendation;
- (b) to advance their knowledge of the language or languages of the country of employment, as far as possible during paid time;
- (c) generally, to promote their adaptation to the society of the country of employment and to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of their mother tongue.

(2) Where agreements concerning the collective recruitment of workers have been concluded between Members, they should jointly take the necessary measures before the migrants' departure from their country of origin to introduce them to the language of the country of employment and also to its economic, social and cultural environment.

8. (1) Without prejudice to measures designed to ensure that migrant workers and their families enter national territory and are admitted to employment in conformity with the relevant laws and regulations, a decision should be taken as soon as possible in cases in which these laws and regulations have not been respected so that the migrant worker should know whether his position can be regularised or not.

(2) Migrant workers whose position has been regularised should benefit from all rights which, in accordance with Paragraph 2 of this Recommendation, are provided for migrant workers lawfully within the territory of a Member.

(3) Migrant workers whose position has not been or could not be regularised should enjoy equality of treatment for themselves and their families in respect of rights arising out of present and past employment as regards remuneration, social security and other benefits as well as regards trade union membership and exercise of trade union rights.

(4) In case of dispute about the rights referred to in the preceding sub-paragraphs, the worker should have the possibility of presenting his case to a competent body, either himself or through a representative.

(5) In case of expulsion of the worker or his family, the cost should not be borne by them.

II. Social policy

9. Each Member should, in consultation with representative organisations of employers and workers, formulate and apply a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment.

10. With a view to making the policy as responsive as possible to the real needs of migrant workers and their families, it should be based, in particular, on an examination not only of conditions in the territory of the Member but also of those in the countries of origin of the migrants.

11. The policy should take account of the need to spread the social cost of migration as widely and equitably as possible over the entire collectivity of the country of employment, and in particular over those who profit most from the work of migrants.

12. The policy should be periodically reviewed and evaluated and where necessary revised.

A. Reunification of families

13. (1) All possible measures should be taken both by countries of employment and by countries of origin to facilitate the reunification of families of migrant workers as rapidly as possible. These measures should include, as necessary, national laws or regulations and bilateral and multilateral arrangements.

(2) A prerequisite for the reunification of families should be that the worker has, for his family, appropriate accommodation which meets the standards normally applicable to nationals of the country of employment.

14. Representatives of all concerned, and in particular of employers and workers, should be consulted on the measures to be adopted to facilitate the reunification of families and their co-operation sought in giving effect thereto.

15. For the purpose of the provisions of this Recommendation relating to the reunification of families, the family of the migrant worker should include the spouse and dependent children, father and mother.

16. With a view to facilitating the reunification of families as quickly as possible in accordance with Paragraph 13 of this Recommendation, each Member should take full account of the needs of migrant workers and their families in particular in its policy regarding the construction of family housing, assistance in obtaining this housing and the development of appropriate reception services.

17. Where a migrant worker who has been employed for at least one year in a country of employment cannot be joined by his family in that country, he should be entitled:

- (a) to visit the country of residence of his family during the paid annual holiday to which he is entitled under the national law and practice of the country of employment without losing during the absence from that country any acquired rights or rights in course of acquisition and, particularly, without having his employment terminated or his right to residence in the country of employment withdrawn during that period; or
- (b) to be visited by his family for a period corresponding at least to the annual holiday with pay to which he is entitled.

18. Consideration should be given to the possibility of giving the migrant worker financial assistance towards the cost of the travel envisaged in the preceding Paragraph or a reduction in the normal cost of transport, for instance by the arrangement of group travel.

19. Without prejudice to more favourable provisions which may be applicable to them, persons admitted in pursuance of international arrangements for free movement of labour should have the benefit of the measures provided for in Paragraphs 13 to 18 of this Recommendation.

B. Protection of the health of migrant workers

20. All appropriate measures should be taken to prevent any special health risks to which migrant workers may be exposed.

21. (1) Every effort should be made to ensure that migrant workers receive training and instruction in occupational safety and occupational hygiene in connection with their practical training or other work preparation, and, as far as possible, as part thereof.

(2) In addition, a migrant worker should, during paid working hours and immediately after beginning his employment, be provided with sufficient information in his mother tongue or, if that is not possible, in a language with which he is familiar, on the essential elements of laws and regulations and on provisions of collective agreements concerning the protection of workers and the prevention of accidents as well as on safety regulations and procedures particular to the nature of the work.

22. (1) Employers should take all possible measures so that migrant workers may fully understand instructions, warnings, symbols and other signs relating to safety and health hazards at work.

(2) Where, on account of the migrant workers' lack of familiarity with processes, language difficulties or other reasons, the training or instruction given to other workers is inadequate for them, special measures which ensure their full understanding should be taken.

(3) Members should have laws or regulations applying the principles set out in this Paragraph and provide that where employers or other persons or organisations having responsibility in this regard fail to observe such laws or regulations, administrative, civil and penal sanctions might be imposed.

C. Social services

23. In accordance with the provisions of Paragraph 2 of this Recommendation, migrant workers and their families should benefit from the activities of social services and have access thereto under the same conditions as nationals of the country of employment.

24. In addition, social services should be provided which perform, in particular, the following functions in relation to migrant workers and their families:

- (a) giving migrant workers and their families every assistance in adapting to the economic, social and cultural environment of the country of employment;
- (b) helping migrant workers and their families to obtain information and advice from appropriate bodies, for instance by providing interpretation and translation services; to comply with administrative and other formalities; and to make full use of services and facilities provided in such fields as education, vocational training and language training, health services and social security, housing, transport and recreation: Provided that migrant workers and their families should as far as possible have the right to communicate with public authorities in the country of employment in their own language or in a language with which they are familiar, particularly in the context of legal assistance and court proceedings;
- (c) assisting authorities and bodies with responsibilities relating to the conditions of life and work of migrant workers and their families in identifying their needs and in adapting thereto;
- (d) giving the competent authorities information and, as appropriate, advice regarding the formulation, implementation and evaluation of social policy with respect to migrant workers;
- (e) providing information for fellow workers and foremen and supervisors about the situation and the problems of migrant workers.

25. (1) The social services referred to in Paragraph 24 of this Recommendation may be provided, as appropriate to national conditions and practice, by public authorities, by approved non-profit-making organisations or bodies, or by a combination of both. The public authorities should have the over-all responsibility of ensuring that these social services are at the disposal of migrant workers and their families.

(2) Full use should be made of services which are or can be provided by authorities, organisations and bodies serving the nationals of the country of employment, including employers' and workers' organisations.

26. Each Member should take such measures as may be necessary to ensure that sufficient resources and adequately trained staff are available for the social services referred to in Paragraph 24 of this Recommendation.

27. Each Member should promote co-operation and co-ordination between different social services on its territory and, as appropriate, between these services and corresponding services in other countries, without, however, this co-operation and co-ordination relieving the States of their responsibilities in this field.

28. Each Member should organise and encourage the organisation, at the national, regional or local level, or as appropriate in a branch of economic activity employing substantial numbers of migrant workers, of periodic meetings for the exchange of information and experience. Consideration should also be given to the exchange of information and experience with other countries of employment as well as with the countries of origin of migrant workers.

29. Representatives of all concerned and in particular of employers and workers should be consulted on the organisation of the social services in question and their co-operation sought in achieving the purposes aimed at.

III. Employment and residence

30. In pursuance of the provision of Paragraph 18 of the Migration for Employment Recommendation (Revised), 1949, that Members should, as far as possible, refrain from removing from their territory, on account of lack of means or the state of the employment market, a migrant worker regularly admitted thereto, the loss by such migrant worker of his employment should not in itself imply the withdrawal of his authorisation of residence.

31. A migrant who has lost his employment should be allowed sufficient time to find alternative employment, at least for a period corresponding to that during which he may be entitled to unemployment benefit; the authorisation of residence should be extended accordingly.

32. (1) A migrant worker who has lodged an appeal against the termination of his employment, under such procedures as may be available, should be allowed sufficient time to obtain a final decision thereon.

(2) If it is established that the termination of employment was not justified, the migrant worker should be entitled, on the same terms as national workers, to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, or to access to a new job with a right to indemnification. If he is not reinstated, he should be allowed sufficient time to find alternative employment.

33. A migrant worker who is the object of an expulsion order should have a right of appeal before an administrative or judicial instance, according to conditions laid down in national laws or regulations. This appeal should stay the execution of the expulsion order, subject to the duly substantiated requirements of national security or public order. The migrant worker should have the same right to legal assistance as national workers and have the possibility of being assisted by an interpreter.

34. (1) A migrant worker who leaves the country of employment should be entitled, irrespective of the legality of his stay therein:

- (a) to any outstanding remuneration for work performed, including severance payments normally due;
- (b) to benefits which may be due in respect of any employment injury suffered;
- (c) in accordance with national practice:
 - (i) to compensation in lieu of any holiday entitlement acquired but not used;
 - (ii) to reimbursement of any social security contributions which have not been given and will not give rise to rights under national laws or regulations or international arrangements: Provided that where social security contributions do not permit entitlement to benefits, every effort should be made with a view to the conclusion of bilateral or multilateral agreements to protect the rights of migrants.

(2) Where any claim covered in subparagraph (1) of this Paragraph is in dispute, the worker should be able to have his interests represented before the competent body and enjoy equal treatment with national workers as regards legal assistance.

Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)

Status	Adoption
Instrument with interim status	Geneva, ILC 38th Session (22 June 1955)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-eighth Session on 1 June 1955, and

Having decided upon the adoption of certain proposals concerning the protection of migrant workers in underdeveloped countries and territories, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred and fifty-five, the following Recommendation, which may be cited as the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955:

I. Definitions and scope

1. This Recommendation applies to:

- (a) countries and territories in which the evolution from a subsistence form of economy towards more advanced forms of economy, based on wage earning and entailing sporadic and scattered development of industrial and agricultural centres, brings with it appreciable migratory movements of workers and sometimes their families;
- (b) countries and territories through which such migratory movements of workers pass on their outward and, where applicable, their return journeys, if existing arrangements in such countries and territories, taken as a whole, afford less protection to the persons concerned during their journeys than is laid down in this Recommendation;
- (c) countries and territories of destination of such migratory movements of workers, if existing arrangements in such countries and territories, taken as a whole, afford less protection to the persons concerned during their journeys or employment than is laid down in this Recommendation.

2. For the purposes of this Recommendation, the term *migrant worker* means any worker participating in such migratory movements either within the countries and territories described in clause (a) of Paragraph 1 above or from such countries and territories into or through the countries and territories described in clauses (b) and (c) of Paragraph 1 above, whether he has taken up employment, is moving in search of employment or is going to arranged employment, and irrespective of whether he has accepted an offer of employment or entered into a contract. Where applicable, the term *migrant worker* also means any worker returning temporarily or finally during or at the end of such employment.

3. Nothing in this Recommendation should be construed as giving any person a right to move into or remain in any country or territory except in accordance with the immigration or other laws of that country or territory.

4. The provisions of this Recommendation are without prejudice to any provision or practice, existing by virtue of law, custom or agreement, which provides for migrant workers conditions more favourable than those provided in this Recommendation.

5. Any discrimination against migrant workers should be eliminated.

II. Protection of migrant workers and their families during their outward and return journeys and prior to the period of their employment

6. (1) Arrangements should be made by means of national or local laws or regulations, agreement between governments or any other means, with a view to providing protection for migrant workers and their families during the journey between their point of departure and their place of employment, both in the interests of the migrants themselves and in the interests of the countries or areas whence they come, in which they move about and to which they are making their way.

(2) These arrangements should include:

- (a) making available mechanised means of transport, including public passenger transport, for the migrant workers and their families, where that is physically possible; and
- (b) providing, at suitable stages along the routes, rest camps where lodging, food, water and essential first aid may be furnished.

7. All necessary steps should be taken to enable migrant workers to make their journeys in reasonable conditions either:

- (a) in the case of recruited or engaged workers, by providing, in the regulations relating to recruitment or to contracts of employment, an obligation on the recruiter, or failing him the employer, to pay the travelling expenses of the workers and, where applicable, of their families; or
- (b) in the case of workers journeying without having entered into a contract or accepted an offer of definite employment, by making provision for reducing travelling expenses to a minimum.

8. (1) Arrangements should be made for free medical examination of migrant workers on departure for or commencement of employment, and on completion of employment.

(2) Where lack of medical staff in particular regions makes it impossible to submit all migrant workers to this double medical examination, priority should be given to:

- (a) migrant workers coming from regions where there are communicable or endemic diseases;
- (b) migrant workers who accept or who have been in employment involving special physical risks; and
- (c) migrant workers whose journeys are undertaken in accordance with special arrangements for recruitment or engagement.

9. (1) If the competent authority considers, after consultation with employers' and workers' organisations where both exist, that a period of acclimatisation is necessary in the interest of the health of migrant workers, it should take steps to ensure to them, and particularly to those recruited or bound by a contract, such a period of acclimatisation immediately before commencing their employment.

(2) In making its decision as to the need for a period of acclimatisation the competent authority should take account of the climate, the altitude and the different conditions of life in which the migrant workers may be called upon to work. Where it considers a period of acclimatisation to be necessary it should fix the length thereof according to local circumstances.

(3) During the acclimatisation period, the employer should bear the expense of the adequate maintenance of the migrant worker and of the members of his family authorised to accompany him.

10. Arrangements should be made to ensure to migrant workers and, where applicable, to their families the right to repatriation, during a period to be determined by the competent authority, after consultation with employers' and workers' organisations where both exist, in the following circumstances:

- (a) where the migrant worker has been recruited or has been sent forward to the place of engagement by the recruiter or the employer, his repatriation should be to the place where he was engaged or from which he was sent forward for engagement and at the expense of the recruiter or the employer in all cases where:
 - (i) the worker becomes incapacitated by sickness or accident during the journey to the place of employment;
 - (ii) the worker is found on medical examination to be unfit for employment;
 - (iii) the worker, for a reason for which he is not responsible, is not engaged after having been sent forward for engagement;
 - (iv) the competent authority finds that the worker has been engaged, or sent forward for engagement, by misrepresentation or mistake; or

- (b) where the migrant worker has entered into a contract of employment and has been brought to the place of employment by the employer or by any person acting on behalf of the employer, his repatriation, together with that of the members of his family also so brought, should be to the place where he was engaged or from which he was sent forward for engagement, and at the expense of the employer in all cases where:
- (i) the period of service stipulated in the contract has expired;
 - (ii) the contract is terminated by reason of the inability of the employer to fulfil the contract;
 - (iii) the contract is terminated by reason of the inability of the migrant worker to fulfil the contract owing to sickness or accident;
 - (iv) the contract is terminated by agreement between the parties;
 - (v) the contract is terminated on the application of either of the parties, unless the competent authority otherwise decides.

11. The competent authority should give sympathetic consideration to the question whether, and if so under what conditions, migrant workers or the members of their families who have not been brought to the place of employment by the employer or by any person acting on behalf of the employer, should have a right to repatriation.

12. In the event of the death of a migrant worker, the members of his family should have the right, to be exercised within a period to be determined by the competent authority, after consultation with the employers' and workers' organisations where both exist, to be repatriated to the place where the worker was engaged or from which he was sent forward for engagement, at the expense of the recruiter or the employer as the case may be:

- (a) where they had been authorised to accompany the worker to the place of employment:
 - (i) if death has occurred during the journey to the place of employment; or
 - (ii) if the deceased worker had entered into a contract of employment with the employer; or
- (b) in other cases in the circumstances determined by the competent authority under Paragraph 11 above.

13. (1) Migrant workers should be free to waive the right to repatriation at the expense of the employer, such waiver to be exercised within a period and in a manner to be determined by the competent authority after consultation with employers' and workers' organisations where both exist, and not to become final until the end of such period.

(2) Migrant workers should also be free to postpone the exercise of their rights to repatriation to within a period to be fixed by the competent authority.

14. Where standard employment contracts, to be entered into between employers and migrant workers, are established by or under the authority of the government or governments concerned, representatives of the employers and workers concerned, including representatives of their respective organisations if such exist, should, whenever practicable, be consulted as to the terms of such contracts.

15. (1) Arrangements should be made for the proper placing of migrant workers.

(2) These arrangements should include the creation, where appropriate, of a public employment service system which should:

- (a) consist of a central office for the country or territory as a whole and branch offices both in areas from which workers normally migrate and in employment centres, so as to enable information on employment opportunities to be gathered, and to be regularly disseminated in the districts from which labour normally comes to those centres;
- (b) establish and maintain arrangements with the employment services in other countries or territories to which workers in a given area usually emigrate, so as to collect information on prevailing employment opportunities there;
- (c) establish and maintain, where practicable, vocational guidance facilities and arrangements for ascertaining the general suitability of workers for particular employments; and
- (d) seek, where practicable, the advice and co-operation of employers' and workers' organisations in the organisation and operation of the system.

III. Measures to discourage migratory movements when considered undesirable in the interests of the migrant workers and of the communities and countries of their origin

16. The general policy should be to discourage migration of workers when considered undesirable in the interests of the migrant workers and of the communities and countries of their origin by measures designed to improve conditions of life and to raise standards of living in the areas from which the migrations normally start.

17. The measures to be taken to ensure the application of the policy described in the preceding Paragraph should include:

- (a) in emigration areas, the adoption of economic development and vocational training programmes to enable fuller use to be made of available manpower and natural resources, and in particular the adoption of all measures likely to create new jobs and new sources of income for workers who would normally be disposed to emigrate;
- (b) in immigration areas, the more rational use of manpower and the increase of productivity through better organisation of work, better training and the development of mechanisation or other measures as local circumstances may require;
- (c) the limitation of recruitment in regions where the withdrawal of labour might have untoward effects on the social and economic organisation, and the health, welfare and development of the population concerned.

18. The governments of the countries and territories of origin and destination of migrant workers should endeavour to bring about a progressive reduction of migratory movements which have not been subject or appeared open to regulation, when such movements are considered undesirable in the interests of the migrant workers and of the communities and countries of their origin. So long as the economic causes of these unregulated migrations persist, the governments concerned should endeavour to exercise appropriate control, to the extent that such action appears practicable and desirable, over voluntary migration as well as organised recruitment. Such reduction and control may be sought by means of arrangements at local or area level and through bilateral agreements.

19. While unregulated migrations continue the governments concerned should, as far as practicable, strive to secure, for workers who migrate under such conditions, the protection provided for in this Recommendation.

IV. Protection of migrant workers during the period of their employment

A. General policy

20. Every effort should be made to assure to migrant workers as favourable working and living conditions as those provided by law or in practice to other workers engaged in the same employment and to apply to them, as to such other workers, the standards of protection set out in the following Paragraphs of this Recommendation.

B. Housing

21. The arrangements to be made for the housing of migrant workers should include measures to enable such workers to be provided, either at the expense of the employer or by the provision of appropriate financial aid or by other means, with accommodation meeting approved standards and at rents reasonable in relation to the wages earned by the various categories of workers.

22. The competent authority should be responsible for ensuring the establishment of satisfactory housing conditions for migrant workers. It should define the minimum standards of accommodation and exercise strict control over the enforcement of these standards. It should also define the rights of the worker who may be required to vacate his accommodation on leaving employment and should take all necessary steps to secure the enforcement of these rights.

C. Wages

- 23. (1) Arrangements should be made for wage fixing in the case of migrant workers.
- (2) Such arrangements should include:

- (a) adoption of a scale of minimum wage rates calculated so that its lowest rate, including any allowances, enables a worker starting unskilled work at least to meet his minimum requirements according to the standards accepted in the region and taking into account normal family needs;
- (b) the fixing from time to time of minimum wage rates either:
 - (i) by means of collective agreements freely negotiated between the trade unions which are representative of the workers concerned and the employers or the employers' organisations concerned; or
 - (ii) where no adequate machinery for fixing minimum wage rates by collective agreements exists, by the competent authority in accordance with the principle stated in clause (a) above.

24. Where relevant, the competent authority should, when fixing wages, take into consideration the results of any budgetary surveys of household consumption in the region concerned which may be available, it being understood that such surveys should be undertaken with the co-operation of the representative organisations of employers and workers.

25. Representatives of the employers' and workers' organisations, where they exist and, where they do not, representatives of workers and employers concerned, equal in number and on an equal footing, should collaborate in the operation of statutory machinery for fixing minimum wage rates.

26. The minimum wage rates in force should be communicated to the employers and workers concerned. Where the rates have been fixed in accordance with subparagraph (2) (b) (ii) of Paragraph 23, they should be binding on the employers and workers concerned so as not to be subject to abatement by them by agreement without the express authorisation of the competent authority.

27. Employers should be required to keep records of wage payments and deductions in respect of each worker. The amounts of wages and of deductions therefrom should be communicated to the workers concerned.

28. Deductions from wages should be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

29. Wages should normally be paid in legal tender direct to the individual worker.

30. Unless there is an established local custom to the contrary, and the competent authority is satisfied, after consulting representatives of the workers or of their representative organisations, that the continuance of this custom is desired by the workers, wages should be paid regularly and at such intervals as will minimise the likelihood of indebtedness among the wage earners.

31. The substitution of alcohol or any harmful substance for all or any part of wages should be prohibited.

32. Payment of wages in taverns or stores should be prohibited except in the case of workers employed therein.

33. Employers should be required to restrict any advances to workers to a small proportion of their monthly remuneration.

34. Any advance in excess of the amount fixed by the competent authority should not be legally recoverable either by the withholding of amounts of pay due to the worker at a later date or in any other way. No interest should be chargeable on advances.

35. A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates, should be entitled to recover, by judicial or other means authorised by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

36. Where food, housing, clothing and other essential supplies and services form part of the remuneration, the competent authority should, with the co-operation of the representative organisations of employers and workers, take all practicable steps to ensure that they are adequate, that their cash value is properly assessed and that the payment in kind does not exceed in value a certain proportion, to be fixed by the competent authority, of the basic cash wage.

D. Admission to skilled jobs without discrimination

37. The principle of equal opportunity for all sections of the population, including migrant workers, should be accepted.

38. Subject to the application of national immigration laws, and of special laws concerning the employment of foreigners in the public service, any barriers preventing or restricting, on account of national origin, race, colour, belief, tribal association or trade union affiliation, access of any section of the population, including migrant workers, to particular types of job or employment should be deemed contrary to public policy and the principle of the abolition of any such barriers should be accepted.

39. Measures should be taken immediately to secure in practice the realisation of the principles set out in Paragraphs 37 and 38 of this Recommendation and to facilitate the performance of an increasing share of skilled work by the least favoured grades of workers.

40. Such measures should specifically include:

- (a) in all countries and territories, provision of equal access for all workers to technical and vocational training facilities and equal possibilities of access for all workers to employment opportunities in new industrial enterprises;
- (b) in countries or territories where separate classes distinguished by race or origin have already been permanently formed, the introduction of facilities enabling workers of the least favoured class to be admitted to semi-skilled and skilled jobs;
- (c) in countries or territories where separate classes distinguished by race or origin have not been permanently formed, the opening of equal opportunities for all qualified workers to jobs requiring specified skills.

E. Trade union activities

41. The right of association and freedom for all lawful trade union activities should be granted to migrant workers in the centres where they work and all practicable measures should be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations.

F. Supply of consumer goods

42. (1) Steps should be taken to ensure the availability of consumer goods, particularly essential products and foodstuffs, to migrant workers and their families at reasonable prices and in sufficient quantities.

(2) Land for the cultivation of crops should be made available to migrant workers, wherever possible, either by the employer or by the competent authority.

43. Where the creation of co-operative organisations would be of service, arrangements should be made for their development, including:

- (a) the creation, if possible, of stock farms, fish ponds and market gardens on a co-operative basis;
- (b) the creation of retail stores run by workers' co-operative;
- (c) the granting of assistance by governments by training members of co-operatives, by supervising their administration and by guiding their activities.

44. (1) Where stores are attached to undertakings, only cash payment should be accepted in them.

(2) If local circumstances do not yet permit the application of the preceding provision, the credit granted to migrant workers should be limited to a proportion of wages, to be fixed by the competent authority, and restricted to a fixed period which should be as short as possible. It should be forbidden to charge interest on credit given or to accept its repayment in work.

(3) There should be no coercion on the migrant workers concerned to make use of such stores.

(4) Where access to other stores is not possible the competent authority should take appropriate measures with the object of ensuring that goods are sold at fair and reasonable prices and that stores operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

G. Social security, industrial safety and hygiene

45. The steps to be taken for migrant workers should in any case include in the first instance appropriate arrangements, without discrimination on grounds of nationality, race or religion, for workmen's compensation, medical care for workers and their families, industrial hygiene and prevention of accidents and occupational diseases.

46. These arrangements should include:

- (a) medical supervision in accordance with local possibilities by periodical visits in the course of employment, and in case of sickness;
- (b) first aid, free medical treatment and hospitalisation facilities in accordance with standards to be prescribed by the competent authority;
- (c) a system of workmen's compensation for accidents and for occupational diseases;
- (d) suitable assistance measures in case of accident or occupational disease; (e) measures to secure the health and safety of migrant workers in their places of employment;
- (f) measures for reporting accidents and investigating their causes;
- (g) an obligation on the employers to bring to the attention of migrant workers by notices, talks or any other means any dangerous or unhealthy features of their work;
- (h) special or additional training or instruction to migrant workers on the prevention of accidents and risks to health in places of employment when, on account of lack of familiarity with processes, language difficulties or for other reasons, the training or instruction normally given to other workers employed in the country or territory is unsuitable;
- (i) provision for the collaboration of employers and workers in the promotion of safety measures;
- (j) special health and social measures for the protection of the migrant worker's wife and children living with him.

47. Where migrant workers fail to benefit from the same treatment as other workers as regards protection against the risks of invalidity, old age and death, arrangements should be made, to the extent possible and desirable and in collaboration with the workers, for the organisation of friendly societies and works provident funds in order to meet the needs of migrant workers in these cases and as the forerunners of larger schemes on a local, district or territorial basis.

H. Relations of migrant workers with their areas of origin

48. Arrangements should be made to enable migrant workers to maintain contact with their families and their areas of origin, including:

- (a) the granting of such facilities as may be required for the voluntary remittance of funds to the worker's family in his area of origin or elsewhere and for the accumulation, with the assent of the worker, of deferred pay which he should receive at the end of his contract or when he returns to his home or in any other circumstances to be decided in agreement with him;
- (b) facilities for the exchange of correspondence between the migrant worker, his family and his area of origin;
- (c) facilities for the performance by the migrant worker of those customary obligations to his community of origin which he wishes to observe.

I. Material, intellectual and moral welfare of migrant workers

49. Arrangements should be made to ensure the material, intellectual and moral welfare of migrant workers, including:

- (a) arrangements to encourage voluntary forms of thrift;
- (b) arrangements to protect the migrant worker against usury, in particular by action to reduce interest rates on loans, by the control of the operations of money-lenders and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions under the supervision of the competent authority;
- (c) wherever practicable, the maintenance in immigration areas of welfare officers who are familiar with the languages and customs of the migrant workers to facilitate the adaptation of these workers and their families to their new way of living;
- (d) measures to ensure educational facilities for migrant workers' children;
- (e) facilities to enable migrant workers to satisfy their intellectual and religious aspirations.

V. Stabilisation of migrant workers

50. Except where permanent establishment of the migrant workers is clearly against their interest and that of their families or of the economies of the countries or territories concerned, the general policy to be followed should be to seek the stabilisation of the workers and their families in or near the employment centres by all appropriate measures and particularly by those which are set out in Part IV and in Paragraphs 51, 52 and 53 of this Recommendation.

51. As stated in Paragraph 3, nothing in this Recommendation should be construed as giving any person a right to move into or remain in any country or territory except in accordance with the immigration or other laws of that country or territory. Nevertheless, where such action is not contrary to the policy of the country concerned, the competent authority should consider affording to migrant workers who have been resident for a period of not less than five years in the country to which they have migrated all opportunities of acquiring citizenship of the country of immigration.

52. (1) Where lasting settlement of migrant workers at or near their place of employment is found to be possible, arrangements should be made to promote their permanent installation.

(2) These arrangements should include:

- (a) encouragement of recruitment of migrant workers accompanied by their families;
- (b) the granting wherever possible and desirable of facilities to enable the establishment at or near the place of employment of appropriate community organisation;
- (c) the provision of housing of an approved standard and at suitable cost to promote the permanent settlement of families;
- (d) the allocation, wherever possible and desirable, of sufficient land for the production of foodstuffs;
- (e) in the absence of more appropriate facilities and whenever possible and desirable, the creation of villages or settlements of retired migrant workers in places where it is possible for them to contribute to their own subsistence.

VI. Application of the recommendation

53. Provision should be made by the competent authority for the supervision, by the appropriate administrative service or services, and with the co-operation of employers' and workers' organisations where both exist, of the application of the measures for the protection of migrant workers dealt with in this Recommendation.

54. In particular, in cases where the terms and conditions of employment, the language, customs, or the currency in use in the region of employment are not familiar to migrant workers, the appropriate administrative service or services should ensure the observance of any procedure for entering into employment contracts so as to make certain that each worker understands the terms and conditions of his employment, the provisions of his contract, the details in regard to the rates and payment of wages, and that he has accepted freely and knowingly these terms and conditions.

55. Each Member of the International Labour Organisation should report to the International Labour Office at appropriate intervals, as requested by the Governing Body, the position of the law and practice in the countries and territories for which the Member is responsible in regard to the matters dealt with in the Recommendation. Such reports should show the extent to which effect has been given, or is proposed to be given, to the provisions of this Recommendation and such modifications of those provisions as it has been found or may be found necessary to make in adopting or applying them.

56. Each Member of the International Labour Organisation which is responsible for any non-metropolitan territory should take all steps within its competence to secure the effective application in each such territory of the minimum standards set forth in this Recommendation, and in particular should bring the Recommendation before the authority or authorities competent to make effective in each such territory the minimum standards set forth in it.

Migration Statistics Recommendation, 1922 (No. 19)

Status	Adoption
Instrument subject to a request for information	Geneva, 4th ILC Session (2 Nov 1922)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourth Session on 18 October 1922, and

Having decided upon the adoption of certain proposals with regard to the communication to the International Labour Office of statistical and other information regarding emigration and immigration and the repatriation and transit of emigrants, which is the second item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts this second day of November of the year one thousand nine hundred twenty-two, the following Recommendation, which may be cited as the Migration Statistics Recommendation, 1922, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

I

1. The General Conference recommends that each Member of the International Labour Organisation should communicate to the International Labour Office all information available concerning emigration, immigration, repatriation, transit of emigrants on outward and return journeys and the measures taken or contemplated in connection with these questions.

2. This information should be communicated so far as possible every three months and within three months of the end of the period to which it refers.

II

The General Conference recommends that each Member of the International Labour Organisation should make every effort to communicate to the International Labour Office, within six months of the end of the year to which they refer, and so far as information is available, the total figures of emigrants and immigrants, showing separately nationals and aliens and specifying particularly, for nationals, and, as far as possible, for aliens:

- (1) sex;
- (2) age;
- (3) occupation;
- (4) nationality;
- (5) country of last residence;
- (6) country of proposed residence.

III

The General Conference recommends that each Member of the International Labour Organisation should, if possible, make agreements with other Members providing for:

- (a) the adoption of a uniform definition of the term emigrant;
- (b) the determination of uniform particulars to be entered on the identity papers issued to emigrants and immigrants by the competent authorities of Members who are parties to such agreements;
- (c) the use of a uniform method of recording statistical information regarding emigration and immigration.

HIV and AIDS

HIV and AIDS Recommendation, 2010 (No. 200)	767
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HIV and AIDS Recommendation, 2010 (No. 200)

Status	Adoption
Up-to-date instrument	Geneva, ILC 99th Session (17 June 2010)

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 99th Session on 2 June 2010, and

Noting that HIV and AIDS have a serious impact on society and economies, on the world of work in both the formal and informal sectors, on workers, their families and dependants, on the employers and workers organizations and on public and private enterprises, and undermine the attainment of decent work and sustainable development, and

Reaffirming the importance of the International Labour Organization's role in addressing HIV and AIDS in the world of work and the need for the Organization to strengthen its efforts to achieve social justice and to combat discrimination and stigmatization with regard to HIV and AIDS in all aspects of its work and mandate, and

Recalling the importance of reducing the informal economy by attaining decent work and sustainable development in order to better mobilize the world of work in the response to HIV and AIDS, and

Noting that high levels of social and economic inequality, lack of information and awareness, lack of confidentiality and insufficient access to and adherence to treatment, increase the risk of HIV transmission, mortality levels, the number of children who have lost one or both parents and the number of workers engaged in informal work, and

Considering that poverty, social and economic inequality and unemployment increase the risk of lack of access to prevention, treatment, care and support, therefore increasing the risk of transmission, and

Noting that stigma, discrimination and the threat of job loss suffered by persons affected by HIV or AIDS are barriers to knowing one's HIV status, thus increasing the vulnerability of workers to HIV and undermining their right to social benefits, and

Noting that HIV and AIDS have a more severe impact on vulnerable and at-risk groups, and

Noting that HIV affects both men and women, although women and girls are at greater risk and more vulnerable to HIV infection and are disproportionately affected by the HIV pandemic compared to men as a result of gender inequality, and that women's empowerment is therefore a key factor in the global response to HIV and AIDS, and

Recalling the importance of safeguarding workers through comprehensive occupational safety and health programmes, and

Recalling the value of the ILO code of practice *An ILO code of practice on HIV/ AIDS and the world of work*, 2001, and the need to strengthen its impact given that there are limits and gaps in its implementation, and

Noting the need to promote and implement the international labour Conventions and Recommendations and other international instruments that are relevant to HIV and AIDS and the world of work, including those that recognize the right to the highest attainable standard of health and to decent living standards, and

Recalling the specific role of employers and workers organizations in promoting and supporting national and international efforts in response to HIV and AIDS in and through the world of work, and

Noting the important role of the workplace as regards information about and access to prevention, treatment, care and support in the national response to HIV and AIDS, and

Affirming the need to continue and increase international cooperation, in particular in the context of the Joint United Nations Programme on HIV/ AIDS, to support efforts to give effect to this Recommendation, and

Recalling the value of collaboration at the national, regional and international levels with the structures dealing with HIV and AIDS, including the health sector and with relevant organizations, especially those representing persons living with HIV, and

Affirming the need to set an international standard in order to guide governments and organizations of employers and workers in defining their roles and responsibilities at all levels, and

Having decided upon the adoption of certain proposals with regard to HIV and AIDS and the world of work, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this seventeenth day of June of the year two thousand and ten the following Recommendation, which may be cited as the HIV and AIDS Recommendation, 2010.

I. Definitions

1. For the purposes of this Recommendation:

- (a) **HIV** refers to the human immunodeficiency virus, a virus that damages the human immune system. Infection can be prevented by appropriate measures;
- (b) **AIDS** refers to the acquired immunodeficiency syndrome which results from advanced stages of HIV infection, and is characterized by opportunistic infections or HIV-related cancers, or both;
- (c) **persons living with HIV** means persons infected with HIV;
- (d) **stigma** means the social mark that, when associated with a person, usually causes marginalization or presents an obstacle to the full enjoyment of social life by the person infected or affected by HIV;
- (e) **discrimination** means any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, as referred to in the Discrimination (Employment and Occupation) Convention, 1958, and Recommendation, 1958;
- (f) **affected persons** means persons whose lives are changed by HIV or AIDS owing to the broader impact of the pandemic;
- (g) **reasonable accommodation** means any modification or adjustment to a job or to the workplace that is reasonably practicable and enables a person living with HIV or AIDS to have access to, or participate or advance in, employment;
- (h) **vulnerability** means the unequal opportunities, social exclusion, unemployment or precarious employment, resulting from the social, cultural, political and economic factors that make a person more susceptible to HIV infection and to developing AIDS;
- (i) **workplace** refers to any place in which workers perform their activity; and
- (j) **worker** refers to any persons working under any form or arrangement.

II. Scope

2. This Recommendation covers:

- (a) all workers working under all forms or arrangements, and at all workplaces, including:
 - (i) persons in any employment or occupation;
 - (ii) those in training, including interns and apprentices;
 - (iii) volunteers;
 - (iv) jobseekers and job applicants; and
 - (v) laid-off and suspended workers;
- (b) all sectors of economic activity, including the private and public sectors and the formal and informal economies; and
- (c) armed forces and uniformed services.

III. General principles

3. The following general principles should apply to all action involved in the national response to HIV and AIDS in the world of work:

- (a) the response to HIV and AIDS should be recognized as contributing to the realization of human rights and fundamental freedoms and gender equality for all, including workers, their families and their dependants;
- (b) HIV and AIDS should be recognized and treated as a workplace issue, which should be included among the essential elements of the national, regional and international response to the pandemic with full participation of organizations of employers and workers;
- (c) there should be no discrimination against or stigmatization of workers, in particular jobseekers and job applicants, on the grounds of real or perceived HIV status or the fact that they belong to regions of the world or segments of the population perceived to be at greater risk of or more vulnerable to HIV infection;
- (d) prevention of all means of HIV transmission should be a fundamental priority;
- (e) workers, their families and their dependants should have access to and benefit from prevention, treatment, care and support in relation to HIV and AIDS, and the workplace should play a role in facilitating access to these services;
- (f) workers' participation and engagement in the design, implementation and evaluation of national and workplace programmes should be recognized and reinforced;
- (g) workers should benefit from programmes to prevent specific risks of occupational transmission of HIV and related transmissible diseases, such as tuberculosis;
- (h) workers, their families and their dependants should enjoy protection of their privacy, including confidentiality related to HIV and AIDS, in particular with regard to their own HIV status;
- (i) no workers should be required to undertake an HIV test or disclose their HIV status;
- (j) measures to address HIV and AIDS in the world of work should be part of national development policies and programmes, including those related to labour, education, social protection and health; and
- (k) the protection of workers in occupations that are particularly exposed to the risk of HIV transmission.

IV. National policies and programmes

4. Members should:

- (a) adopt national policies and programmes on HIV and AIDS and the world of work and on occupational safety and health, where they do not already exist; and
- (b) integrate their policies and programmes on HIV and AIDS and the world of work in development plans and poverty reduction strategies, including decent work, sustainable enterprises and income-generating strategies, as appropriate.

5. In developing the national policies and programmes, the competent authorities should take into account the *ILO code of practice on HIV/AIDS* of 2001, and any subsequent revision, other relevant International Labour Organization instruments, and other international guidelines adopted on this subject.

6. The national policies and programmes should be developed by the competent authorities, in consultation with the most representative organizations of employers and workers, as well as organizations representing persons living with HIV, taking into account the views of relevant sectors, especially the health sector.

7. In developing the national policies and programmes, the competent authorities should take into account the role of the workplace in prevention, treatment, care and support, including the promotion of voluntary counselling and testing, in collaboration with local communities.

8. Members should take every opportunity to disseminate information about their policies and programmes on HIV and AIDS and the world of work through organizations of employers and workers, other relevant HIV and AIDS entities, and public information channels.

Discrimination and promotion of equality of opportunity and treatment

9. Governments, in consultation with the most representative organizations of employers and workers should consider affording protection equal to that available under the Discrimination (Employment and Occupation) Convention, 1958, to prevent discrimination based on real or perceived HIV status.

10. Real or perceived HIV status should not be a ground of discrimination preventing the recruitment or continued employment, or the pursuit of equal opportunities consistent with the provisions of the Discrimination (Employment and Occupation) Convention, 1958.

11. Real or perceived HIV status should not be a cause for termination of employment. Temporary absence from work because of illness or caregiving duties related to HIV or AIDS should be treated in the same way as absences for other health reasons, taking into account the Termination of Employment Convention, 1982.

12. When existing measures against discrimination in the workplace are inadequate for effective protection against discrimination in relation to HIV and AIDS, Members should adapt these measures or put new ones in place, and provide for their effective and transparent implementation.

13. Persons with HIV-related illness should not be denied the possibility of continuing to carry out their work, with reasonable accommodation if necessary, for as long as they are medically fit to do so. Measures to redeploy such persons to work reasonably adapted to their abilities, to find other work through training or to facilitate their return to work should be encouraged, taking into consideration the relevant International Labour Organization and United Nations instruments.

14. Measures should be taken in or through the workplace to reduce the transmission of HIV and alleviate its impact by:

- (a) ensuring respect for human rights and fundamental freedoms;
- (b) ensuring gender equality and the empowerment of women;
- (c) ensuring actions to prevent and prohibit violence and harassment in the workplace;
- (d) promoting the active participation of both women and men in the response to HIV and AIDS;
- (e) promoting the involvement and empowerment of all workers regardless of their sexual orientation and whether or not they belong to a vulnerable group;
- (f) promoting the protection of sexual and reproductive health and sexual and reproductive rights of women and men; and
- (g) ensuring the effective confidentiality of personal data, including medical data.

Prevention

15. Prevention strategies should be adapted to national conditions and the type of workplace, and should take into account gender, cultural, social and economic concerns.

16. Prevention programmes should ensure:

- (a) that accurate, up to date, relevant and timely information is made available and accessible to all in a culturally sensitive format and language through the different channels of communication available;
- (b) comprehensive education programmes to help women and men understand and reduce the risk of all modes of HIV transmission, including mother-to-child transmission, and understand the importance of changing risk behaviours related to infection;
- (c) effective occupational safety and health measures;
- (d) measures to encourage workers to know their own HIV status through voluntary counselling and testing;
- (e) access to all means of prevention, including but not limited to guaranteeing the availability of necessary supplies, in particular male and female condoms and, where appropriate, information about their correct use, and the availability of post-exposure prophylaxis;
- (f) effective measures to reduce high-risk behaviours, including for the most at-risk groups, with a view to decreasing the incidence of HIV; and
- (g) harm reduction strategies based on guidelines published by the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Office on Drugs and Crime (UNODC) and other relevant guidelines.

Treatment and care

17. Members should ensure that their national policies and programmes on workplace health interventions are determined in consultation with employers and workers and their representatives and are linked to public health services. They should offer the broadest range of appropriate and effective interventions to prevent HIV and AIDS and manage their impact.

18. Members should ensure that workers living with HIV and their dependants benefit from full access to health care, whether this is provided under public health, social security systems or private insurance or other schemes. Members should also ensure the education and awareness raising of workers to facilitate their access to health care.

19. All persons covered by this Recommendation, including workers living with HIV and their families and their dependants, should be entitled to health services. These services should include access to free or affordable:

- (a) voluntary counselling and testing;
- (b) antiretroviral treatment and adherence education, information and support;
- (c) proper nutrition consistent with treatment;
- (d) treatment for opportunistic infections and sexually transmitted infections, and any other HIV-related illnesses, in particular tuberculosis; and
- (e) support and prevention programmes for persons living with HIV, including psychosocial support.

20. There should be no discrimination against workers or their dependants based on real or perceived HIV status in access to social security systems and occupational insurance schemes, or in relation to benefits under such schemes, including for health care and disability, and death and survivors' benefits.

Support

21. Programmes of care and support should include measures of reasonable accommodation in the workplace for persons living with HIV or HIV-related illnesses, with due regard to national conditions. Work should be organized in such a way as to accommodate the episodic nature of HIV and AIDS, as well as possible side effects of treatment.

22. Members should promote the retention in work and recruitment of persons living with HIV. Members should consider extending support through periods of employment and unemployment, including where necessary income-generating opportunities for persons living with HIV or persons affected by HIV or AIDS.

23. Where a direct link can be established between an occupation and the risk of infection, AIDS and infection by HIV should be recognized as an occupational disease or accident, in accordance with national procedures and definitions, and with reference to the List of Occupational Diseases Recommendation, 2002, as well as other relevant International Labour Organization instruments.

Testing, privacy and confidentiality

24. Testing must be genuinely voluntary and free of any coercion and testing programmes must respect international guidelines on confidentiality, counselling and consent.

25. HIV testing or other forms of screening for HIV should not be required of workers, including migrant workers, jobseekers and job applicants.

26. The results of HIV testing should be confidential and not endanger access to jobs, tenure, job security or opportunities for advancement.

27. Workers, including migrant workers, jobseekers and job applicants, should not be required by countries of origin, of transit or of destination to disclose HIV related information about themselves or others. Access to such information should be governed by rules of confidentiality consistent with the ILO code of practice on the protection of workers' personal data, 1997, and other relevant international data protection standards.

28. Migrant workers, or those seeking to migrate for employment, should not be excluded from migration by the countries of origin, of transit or of destination on the basis of their real or perceived HIV status.

29. Members should have in place easily accessible dispute resolution procedures which ensure redress for workers if their rights set out above are violated.

Occupational safety and health

30. The working environment should be safe and healthy, in order to prevent transmission of HIV in the workplace, taking into account the Occupational Safety and Health Convention, 1981, and Recommendation, 1981, the Promotional Framework for Occupational Safety and Health Convention, 2006, and Recommendation, 2006, and other relevant international instruments, such as joint International Labour Office and WHO guidance documents.

31. Safety and health measures to prevent workers' exposure to HIV at work should include universal precautions, accident and hazard prevention measures, such as organizational measures, engineering and work practice controls, personal protective equipment, as appropriate, environmental control measures and postexposure prophylaxis and other safety measures to minimize the risk of contracting HIV and tuberculosis, especially in occupations most at risk, including in the healthcare sector.

32. When there is a possibility of exposure to HIV at work, workers should receive education and training on modes of transmission and measures to prevent exposure and infection. Members should take measures to ensure that prevention, safety and health are provided for in accordance with relevant standards.

33. Awareness-raising measures should emphasize that HIV is not transmitted by casual physical contact and that the presence of a person living with HIV should not be considered a workplace hazard.

34. Occupational health services and workplace mechanisms related to occupational safety and health should address HIV and AIDS, taking into account the Occupational Health Services Convention, 1985, and Recommendation, 1985, the *Joint ILO/WHO guidelines on health services and HIV/AIDS*, 2005, and any subsequent revision, and other relevant international instruments.

Children and young persons

35. Members should take measures to combat child labour and child trafficking that may result from the death or illness of family members or caregivers due to AIDS and to reduce the vulnerability of children to HIV, taking into account the ILO Declaration on Fundamental Principles and Rights at Work, 1998, the Minimum Age Convention, 1973, and Recommendation, 1973, and the Worst Forms of Child Labour Convention, 1999, and Recommendation, 1999. Special measures should be taken to protect these children from sexual abuse and sexual exploitation.

36. Members should take measures to protect young workers against HIV infection, and to include the special needs of children and young persons in the response to HIV and AIDS in national policies and programmes. These should include objective sexual and reproductive health education, in particular the dissemination of information on HIV and AIDS through vocational training and in youth employment programmes and services.

V. Implementation

37. National policies and programmes on HIV and AIDS and the world of work should:
- (a) be given effect, in consultation with the most representative organizations of employers and workers and other parties concerned, including relevant public and private occupational health structures, by one or a combination of the following means:
 - (i) national laws and regulations;
 - (ii) collective agreements;
 - (iii) national and workplace policies and programmes of action; and
 - (iv) sectoral strategies, with particular attention to sectors in which persons covered by this Recommendation are most at risk;

- (b) involve the judicial authorities competent in labour issues, and labour administration authorities in the planning and implementation of the policies and programmes, and training in this regard should be provided to them;
- (c) provide for measures in national laws and regulations to address breaches of privacy and confidentiality and other protection afforded under this Recommendation;
- (d) ensure collaboration and coordination among the public authorities and public and private services concerned, including insurance and benefit programmes or other types of programmes;
- (e) promote and support all enterprises to implement the national policies and programmes, including through their supply chains and distribution networks, with the participation of organizations of employers and workers and ensure that enterprises operating in the export processing zones comply;
- (f) promote social dialogue, including consultation and negotiation, consistent with the Tripartite Consultation (International Labour Standards) Convention, 1976, and other forms of cooperation among government authorities, public and private employers and workers and their representatives, taking into account the views of occupational health personnel, specialists in HIV and AIDS, and other parties including organizations representing persons living with HIV, international organizations, relevant civil society organizations and country coordinating mechanisms;
- (g) be formulated, implemented, regularly reviewed and updated, taking into consideration the most recent scientific and social developments and the need to mainstream gender and cultural concerns;
- (h) be coordinated with, among others, labour, social security and health policies and programmes; and
- (i) ensure that Members make reasonable provision for the means of their implementation, with due regard to national conditions, as well as to the capacity of employers and workers.

Social dialogue

38. Implementation of policies and programmes on HIV and AIDS should be based on cooperation and trust among employers and workers and their representatives, and governments, with the active involvement, at their workplace, of persons living with HIV.

39. Organizations of employers and workers should promote awareness of HIV and AIDS, including prevention and non-discrimination, through the provision of education and information to their members. These should be sensitive to gender and cultural concerns.

Education, training, information and consultation

40. Training, safety instructions and any necessary guidance in the workplace related to HIV and AIDS should be provided in a clear and accessible form for all workers and, in particular, for migrant workers, newly engaged or inexperienced workers, young workers and persons in training, including interns and apprentices. Training, instructions and guidance should be sensitive to gender and cultural concerns and adapted to the characteristics of the workforce, taking into account the risk factors for the workforce.

41. Up to date scientific and socio-economic information and, where appropriate, education and training on HIV and AIDS should be available to employers, managers and workers' representatives, in order to assist them in taking appropriate measures in the workplace.

42. Workers, including interns, trainees and volunteers should receive awarenessraising information and appropriate training in HIV infection control procedures in the context of workplace accidents and first aid. Workers whose occupations put them at risk of exposure to human blood, blood products and other body fluids should receive additional training in exposure prevention, exposure registration procedures and post-exposure prophylaxis.

43. Workers and their representatives should have the right to be informed and consulted on measures taken to implement workplace policies and programmes related to HIV and AIDS. Workers' and employers' representatives should participate in workplace inspections in accordance with national practice.

Public services

44. The role of the labour administration services, including the labour inspectorate, and of the judicial authorities competent in labour issues, in the response to HIV and AIDS, should be reviewed and, if necessary, strengthened.

45. Public health systems should be strengthened and follow *the Joint ILO/WHO guidelines on health services and HIV/AIDS*, 2005, and any subsequent revision, to help ensure greater access to prevention, treatment, care and support, and reduce the additional strain on public services, particularly on health workers, caused by HIV and AIDS.

International cooperation

46. Members should cooperate, through bilateral or multilateral agreements, through their participation in the multilateral system or through other effective means, in order to give effect to this Recommendation.

47. Measures to ensure access to HIV prevention, treatment, care and support services for migrant workers should be taken by countries of origin, of transit and of destination, and agreements should be concluded among the countries concerned, whenever appropriate.

48. International cooperation should be encouraged between and among Members, their national structures on HIV and AIDS and relevant international organizations and should include the systematic exchange of information on all measures taken to respond to the HIV pandemic.

49. Members and multilateral organizations should give particular attention to coordination and to the necessary resources to satisfy the needs of all countries, especially high prevalence countries, in the development of international strategies and programmes for prevention, treatment, care and support related to HIV.

50. Members and international organizations should seek to reduce the price of supplies of any type, for the prevention, treatment and care of infection caused by HIV and other opportunistic infections and HIV-related cancers.

VI. Follow-up

51. Members should establish an appropriate mechanism or make use of an existing one, for monitoring developments in relation to their national policy on HIV and AIDS and the world of work, as well as for formulating advice on its adoption and implementation.

52. The most representative organizations of employers and workers should be represented, on an equal footing, in the mechanism for monitoring developments in relation to the national policy. In addition, these organizations should be consulted under the mechanism as often as necessary, taking into consideration the views of organizations of persons living with HIV, expert reports or technical studies.

53. Members should, to the extent possible, collect detailed information and statistical data and undertake research on developments at the national and sectoral levels in relation to HIV and AIDS in the world of work, taking into account the distribution of women and men and other relevant factors.

54. In addition to the reporting under article 19 of the Constitution of the International Labour Organization, a regular review of action taken on the basis of this Recommendation could be included in national reports to UNAIDS and reports under relevant international instruments.

Seafarers*



1. General provisions	777
Maritime Labour Convention, 2006	777
Amendments to the Code implementing Regulations 2.5 and 4.2 and appendices of the Maritime Labour Convention, 2006 (MLC, 2006)	850
Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)	855
2. Social security	872
Seafarers' Pensions Convention, 1946 (No. 71)	872

* The Maritime Labour Convention, 2006, in its Article X, indicates the 37 instruments that have been revised. The Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) is now obsolete.

1. General provisions

Maritime Labour Convention, 2006

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	20 Aug 2013	Geneva, ILC 94th Session (23 Feb 2006)	64

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fourth Session on 7 February 2006, and

Desiring to create a single, coherent instrument embodying as far as possible all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions, in particular:

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

Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and

Mindful also that seafarers are covered by the provisions of other ILO instruments and have other rights which are established as fundamental rights and freedoms applicable to all persons, and

Considering that, given the global nature of the shipping industry, seafarers need special protection, and

Mindful also of the international standards on ship safety, human security and quality ship management in the International Convention for the Safety of Life at Sea, 1974, as amended, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, and the seafarer training and competency requirements in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and

Recalling that the United Nations Convention on the Law of the Sea, 1982, sets out a general legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, and

Recalling that Article 94 of the United Nations Convention on the Law of the Sea, 1982, establishes the duties and obligations of a flag State with regard to, inter alia, labour conditions, crewing and social matters on ships that fly its flag, and

Recalling paragraph 8 of article 19 of the Constitution of the International Labour Organisation which provides that 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, and

Determined that this new instrument should be designed to secure the widest possible acceptability among governments, shipowners and seafarers committed to the principles of decent work, that it should be readily updateable and that it should lend itself to effective implementation and enforcement, and

Having decided upon the adoption of certain proposals for the realization of such an instrument, which is the only item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-third day of February of the year two thousand and six the following Convention, which may be cited as the Maritime Labour Convention, 2006.

General obligations

Article I

1. Each Member which ratifies this Convention undertakes to give complete effect to its provisions in the manner set out in Article VI in order to secure the right of all seafarers to decent employment.

2. Members shall cooperate with each other for the purpose of ensuring the effective implementation and enforcement of this Convention.

Definition and scope of application

Article II

1. For the purpose of this Convention and unless provided otherwise in particular provisions, the term:

- (a) **competent authority** means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;
- (b) **declaration of maritime labour compliance** means the declaration referred to in Regulation 5.1.3;
- (c) **gross tonnage** means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention; for ships covered by the tonnage measurement interim scheme adopted by the International Maritime Organization, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969);
- (d) **maritime labour certificate** means the certificate referred to in Regulation 5.1.3;
- (e) **requirements of this Convention** refers to the requirements in these Articles and in the Regulations and Part A of the Code of this Convention;
- (f) **seafarer** means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies;
- (g) **seafarers' employment agreement** includes both a contract of employment and articles of agreement;

- (h) *seafarer recruitment and placement service* means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners;
- (i) *ship* means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
- (j) *shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

2. Except as expressly provided otherwise, this Convention applies to all seafarers.

3. In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned with this question

4. Except as expressly provided otherwise, this Convention applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries.

5. In the event of doubt as to whether this Convention applies to a ship or particular category of ships, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned.

6. Where the competent authority determines that it would not be reasonable or practicable at the present time to apply certain details of the Code referred to in Article VI, paragraph 1, to a ship or particular categories of ships flying the flag of the Member, the relevant provisions of the Code shall not apply to the extent that the subject matter is dealt with differently by national laws or regulations or collective bargaining agreements or other measures. Such a determination may only be made in consultation with the shipowners' and seafarers' organizations concerned and may only be made with respect to ships of less than 200 gross tonnage not engaged in international voyages.

7. Any determinations made by a Member under paragraph 3 or 5 or 6 of this Article shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organization.

8. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Regulations and the Code.

Fundamental rights and principles

Article III

Each Member shall satisfy itself that the provisions of its law and regulations respect, in the context of this Convention, the fundamental rights to:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

Seafarers' employment and social rights

Article IV

1. Every seafarer has the right to a safe and secure workplace that complies with safety standards.
2. Every seafarer has a right to fair terms of employment.
3. Every seafarer has a right to decent working and living conditions on board ship.
4. Every seafarer has a right to health protection, medical care, welfare measures and other forms of social protection.
5. Each Member shall ensure, within the limits of its jurisdiction, that the seafarers' employment and social rights set out in the preceding paragraphs of this Article are fully implemented in accordance with the requirements of this Convention. Unless specified otherwise in the Convention, such implementation may be achieved through national laws or regulations, through applicable collective bargaining agreements or through other measures or in practice.

Implementation and enforcement responsibilities

Article V

1. Each Member shall implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under this Convention with respect to ships and seafarers under its jurisdiction.
2. Each Member shall effectively exercise its jurisdiction and control over ships that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention, including regular inspections, reporting, monitoring and legal proceedings under the applicable laws.
3. Each Member shall ensure that ships that fly its flag carry a maritime labour certificate and a declaration of maritime labour compliance as required by this Convention.
4. A ship to which this Convention applies may, in accordance with international law, be inspected by a Member other than the flag State, when the ship is in one of its ports, to determine whether the ship is in compliance with the requirements of this Convention.
5. Each Member shall effectively exercise its jurisdiction and control over seafarer recruitment and placement services, if these are established in its territory.
6. Each Member shall prohibit violations of the requirements of this Convention and shall, in accordance with international law, establish sanctions or require the adoption of corrective measures under its laws which are adequate to discourage such violations.
7. Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it.

Regulations and parts A and B of the code

Article VI

1. The Regulations and the provisions of Part A of the Code are mandatory. The provisions of Part B of the Code are not mandatory.
2. Each Member undertakes to respect the rights and principles set out in the Regulations and to implement each Regulation in the manner set out in the corresponding provisions of

Part A of the Code. In addition, the Member shall give due consideration to implementing its responsibilities in the manner provided for in Part B of the Code.

3. A Member which is not in a position to implement the rights and principles in the manner set out in Part A of the Code may, unless expressly provided otherwise in this Convention, implement Part A through provisions in its laws and regulations or other measures which are substantially equivalent to the provisions of Part A.

4. For the sole purpose of paragraph 3 of this Article, any law, regulation, collective agreement or other implementing measure shall be considered to be substantially equivalent, in the context of this Convention, if the Member satisfies itself that:

- (a) it is conducive to the full achievement of the general object and purpose of the provision or provisions of Part A of the Code concerned; and
- (b) it gives effect to the provision or provisions of Part A of the Code concerned.

Consultation with shipowners' and seafarers' organizations

Article VII

Any derogation, exemption or other flexible application of this Convention for which the Convention requires consultation with shipowners' and seafarers' organizations may, in cases where representative organizations of shipowners or of seafarers do not exist within a Member, only be decided by that Member through consultation with the Committee referred to in Article XIII.

Entry into force

Article VIII

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

2. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered by the Director-General.

3. This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of 33 per cent.

4. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Denunciation

Article IX

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which does not, within the year following the expiration of the period of ten years mentioned in paragraph 1 of this Article, exercise the right of denunciation provided for in this Article, shall be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each new period of ten years under the terms provided for in this Article.

Effect of entry into force

article X

This Convention revises the following Conventions:

- Minimum Age (Sea) Convention, 1920 (No. 7)
- Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
- Placing of Seamen Convention, 1920 (No. 9)
- Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
- Seamen's Articles of Agreement Convention, 1926 (No. 22)
- Repatriation of Seamen Convention, 1926 (No. 23)
- Officers' Competency Certificates Convention, 1936 (No. 53)
- Holidays with Pay (Sea) Convention, 1936 (No. 54)
- Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)
- Sickness Insurance (Sea) Convention, 1936 (No. 56)
- Hours of Work and Manning (Sea) Convention, 1936 (No. 57)
- Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
- Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
- Certification of Ships' Cooks Convention, 1946 (No. 69)
- Social Security (Seafarers) Convention, 1946 (No. 70)
- Paid Vacations (Seafarers) Convention, 1946 (No. 72)
- Medical Examination (Seafarers) Convention, 1946 (No. 73)
- Certification of Able Seamen Convention, 1946 (No. 74)
- Accommodation of Crews Convention, 1946 (No. 75)
- Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)
- Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
- Accommodation of Crews Convention (Revised), 1949 (No. 92)
- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)
- Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
- Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
- Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
- Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
- Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
- Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
- Seafarers' Welfare Convention, 1987 (No. 163)
- Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)
- Social Security (Seafarers) Convention (Revised), 1987 (No. 165)
- Repatriation of Seafarers Convention (Revised), 1987 (No. 166)
- Labour Inspection (Seafarers) Convention, 1996 (No. 178)
- Recruitment and Placement of Seafarers Convention, 1996 (No. 179)
- Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

Depositary functions

Article XI

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, acceptances and denunciations under this Convention.

2. When the conditions provided for in paragraph 3 of Article VIII have been fulfilled, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article XII

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acceptances and denunciations registered under this Convention. Special Tripartite Committee

Special tripartite committee

Article XIII

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.

3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.

4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote.

Amendment of this convention

Article XIV

1. Amendments to any of the provisions of this Convention may be adopted by the General Conference of the International Labour Organization in the framework of article 19 of the Constitution of the International Labour Organisation and the rules and procedures of the Organization for the adoption of Conventions. Amendments to the Code may also be adopted following the procedures in Article XV.

2. In the case of Members whose ratifications of this Convention were registered before the adoption of the amendment, the text of the amendment shall be communicated to them for ratification.

3. In the case of other Members of the Organization, the text of the Convention as amended shall be communicated to them for ratification in accordance with article 19 of the Constitution.

4. An amendment shall be deemed to have been accepted on the date when there have been registered ratifications, of the amendment or of the Convention as amended, as the case may be, by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

5. An amendment adopted in the framework of article 19 of the Constitution shall be binding only upon those Members of the Organization whose ratifications have been registered by the Director-General of the International Labour Office.

6. For any Member referred to in paragraph 2 of this Article, an amendment shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which its ratification of the amendment has been registered, whichever date is later.

7. Subject to paragraph 9 of this Article, for Members referred to in paragraph 3 of this Article, the Convention as amended shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which their ratifications of the Convention have been registered, whichever date is later.

8. For those Members whose ratification of this Convention was registered before the adoption of an amendment but which have not ratified the amendment, this Convention shall remain in force without the amendment concerned.

9. Any Member whose ratification of this Convention is registered after the adoption of the amendment but before the date referred to in paragraph 4 of this Article may, in a declaration accompanying the instrument of ratification, specify that its ratification relates to the Convention without the amendment concerned. In the case of a ratification with such a declaration, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered. Where an instrument of ratification is not accompanied by such a declaration, or where the ratification is registered on or after the date referred to in paragraph 4, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered and, upon its entry into force in accordance with paragraph 7 of this Article, the amendment shall be binding on the Member concerned unless the amendment provides otherwise.

Amendments to the code

Article XV

1. The Code may be amended either by the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the present Article.

2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph.

3. Having verified that the proposal for amendment meets the requirements of paragraph 2 of this Article, the Director-General shall promptly communicate the proposal, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period (which shall not be less than three months nor more than nine months) prescribed by the Governing Body.

4. At the end of the period referred to in paragraph 3 of this Article, the proposal, accompanied by a summary of any observations or suggestions made under that paragraph, shall be transmitted to the Committee for consideration at a meeting. An amendment shall be considered adopted by the Committee if:

- (a) at least half the governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered; and
- (b) a majority of at least two-thirds of the Committee members vote in favour of the amendment; and
- (c) this majority comprises the votes in favour of at least half the government voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote.

5. Amendments adopted in accordance with paragraph 4 of this Article shall be submitted to the next session of the Conference for approval. Such approval shall require a majority of two-thirds of the votes cast by the delegates present. If such majority is not obtained, the proposed amendment shall be referred back to the Committee for reconsideration should the Committee so wish.

6. Amendments approved by the Conference shall be notified by the Director-General to each of the Members whose ratifications of this Convention were registered before the date of such approval by the Conference. These Members are referred to below as the ratifying Members. The notification shall contain a reference to the present Article and shall prescribe the period for the communication of any formal disagreement. This period shall be two years from the date of the notification unless, at the time of approval, the Conference has set a different period, which shall be a period of at least one year. A copy of the notification shall be communicated to the other Members of the Organization for their information.

7. An amendment approved by the Conference shall be deemed to have been accepted unless, by the end of the prescribed period, formal expressions of disagreement have been received by the Director-General from more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention.

8. An amendment deemed to have been accepted shall come into force six months after the end of the prescribed period for all the ratifying Members except those which had formally expressed their disagreement in accordance with paragraph 7 of this Article and have not withdrawn such disagreement in accordance with paragraph 11. However:

- (a) before the end of the prescribed period, any ratifying Member may give notice to the Director-General that it shall be bound by the amendment only after a subsequent express notification of its acceptance; and
- (b) before the date of entry into force of the amendment, any ratifying Member may give notice to the Director-General that it will not give effect to that amendment for a specified period.

9. An amendment which is the subject of a notice referred to in paragraph 8(a) of this Article shall enter into force for the Member giving such notice six months after the Member has notified the Director-General of its acceptance of the amendment or on the date on which the amendment first comes into force, whichever date is later.

10. The period referred to in paragraph 8(b) of this Article shall not go beyond one year from the date of entry into force of the amendment or beyond any longer period determined by the Conference at the time of approval of the amendment.

11. A Member that has formally expressed disagreement with an amendment may withdraw its disagreement at any time. If notice of such withdrawal is received by the Director-General after the amendment has entered into force, the amendment shall enter into force for the Member six months after the date on which the notice was registered.

12. After entry into force of an amendment, the Convention may only be ratified in its amended form.

13. To the extent that a maritime labour certificate relates to matters covered by an amendment to the Convention which has entered into force:

- (a) a Member that has accepted that amendment shall not be obliged to extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member which:
 - (i) pursuant to paragraph 7 of this Article, has formally expressed disagreement to the amendment and has not withdrawn such disagreement; or
 - (ii) pursuant to paragraph 8(a) of this Article, has given notice that its acceptance is subject to its subsequent express notification and has not accepted the amendment; and
- (b) a Member that has accepted the amendment shall extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member that has given notice, pursuant to paragraph 8(b) of this Article, that it will not give effect to that amendment for the period specified in accordance with paragraph 10 of this Article.

Authoritative languages

Article XVI

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

Explanatory note to the Regulations and Code of the Maritime Labour Convention

1. This explanatory note, which does not form part of the Maritime Labour Convention, is intended as a general guide to the Convention.

2. The Convention comprises three different but related parts: the Articles, the Regulations and the Code.

3. The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention. The Articles and Regulations can only be changed by the Conference in the framework of article 19 of the Constitution of the International Labour Organisation (see Article XIV of the Convention).

4. The Code contains the details for the implementation of the Regulations. It comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines). The Code can be amended through the simplified procedure set out in Article XV of the Convention. Since the Code relates to detailed implementation, amendments to it must remain within the general scope of the Articles and Regulations.

5. The Regulations and the Code are organized into general areas under five Titles:

- *Title 1*: Minimum requirements for seafarers to work on a ship
- *Title 2*: Conditions of employment
- *Title 3*: Accommodation, recreational facilities, food and catering
- *Title 4*: Health protection, medical care, welfare and social security protection
- *Title 5*: Compliance and enforcement

6. Each Title contains groups of provisions relating to a particular right or principle (or enforcement measure in Title 5), with connected numbering. The first group in Title 1, for example, consists of Regulation 1.1, Standard A1.1 and Guideline B1.1, relating to minimum age.

7. The Convention has three underlying purposes:

- (a) to lay down, in its Articles and Regulations, a firm set of rights and principles;

- (b) to allow, through the Code, a considerable degree of flexibility in the way Members implement those rights and principles; and
- (c) to ensure, through Title 5, that the rights and principles are properly complied with and enforced.

8. There are two main areas for flexibility in implementation: one is the possibility for a Member, where necessary (see Article VI, paragraph 3), to give effect to the detailed requirements of Part A of the Code through substantial equivalence (as defined in Article VI, paragraph 4).

9. The second area of flexibility in implementation is provided by formulating the mandatory requirements of many provisions in Part A in a more general way, thus leaving a wider scope for discretion as to the precise action to be provided for at the national level. In such cases, guidance on implementation is given in the non-mandatory Part B of the Code. In this way, Members which have ratified this Convention can ascertain the kind of action that might be expected of them under the corresponding general obligation in Part A, as well as action that would not necessarily be required. For example, Standard A4.1 requires all ships to provide prompt access to the necessary medicines for medical care on board ship (paragraph 1(b)) and to “carry a medicine chest” (paragraph 4(a)). The fulfilment in good faith of this latter obligation clearly means something more than simply having a medicine chest on board each ship. A more precise indication of what is involved is provided in the corresponding Guideline B4.1.1 (paragraph 4) so as to ensure that the contents of the chest are properly stored, used and maintained.

10. Members which have ratified this Convention are not bound by the guidance concerned and, as indicated in the provisions in Title 5 on port State control, inspections would deal only with the relevant requirements of this Convention (Articles, Regulations and the Standards in Part A). However, Members are required under paragraph 2 of Article VI to give due consideration to implementing their responsibilities under Part A of the Code in the manner provided for in Part B. If, having duly considered the relevant Guidelines, a Member decides to provide for different arrangements which ensure the proper storage, use and maintenance of the contents of the medicine chest, to take the example given above, as required by the Standard in Part A, then that is acceptable. On the other hand, by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates.

THE REGULATIONS AND THE CODE

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

Regulation 1.1 – Minimum age

Purpose: To ensure that no under-age persons work on a ship

1. No person below the minimum age shall be employed or engaged or work on a ship.
2. The minimum age at the time of the initial entry into force of this Convention is 16 years.
3. A higher minimum age shall be required in the circumstances set out in the Code.

Standard A1.1 – Minimum age

1. The employment, engagement or work on board a ship of any person under the age of 16 shall be prohibited.

2. Night work of seafarers under the age of 18 shall be prohibited. For the purposes of this Standard, “night” shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.

3. An exception to strict compliance with the night work restriction may be made by the competent authority when:

- (a) the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or

- (b) the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night and the authority determines, after consultation with the shipowners' and seafarers' organizations concerned, that the work will not be detrimental to their health or well-being.

4. The employment, engagement or work of seafarers under the age of 18 shall be prohibited where the work is likely to jeopardize their health or safety. The types of such work shall be determined by national laws or regulations or by the competent authority, after consultation with the shipowners' and seafarers' organizations concerned, in accordance with relevant international standards.

Guideline B1.1 – Minimum age

1. When regulating working and living conditions, Members should give special attention to the needs of young persons under the age of 18.

Regulation 1.2 – Medical certificate

Purpose: To ensure that all seafarers are medically fit to perform their duties at sea

1. Seafarers shall not work on a ship unless they are certified as medically fit to perform their duties.
2. Exceptions can only be permitted as prescribed in the Code.

Standard A1.2 – Medical certificate

1. The competent authority shall require that, prior to beginning work on a ship, seafarers hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.

2. In order to ensure that medical certificates genuinely reflect seafarers' state of health, in light of the duties they are to perform, the competent authority shall, after consultation with the shipowners' and seafarers' organizations concerned, and giving due consideration to applicable international guidelines referred to in Part B of this Code, prescribe the nature of the medical examination and certificate.

3. This Standard is without prejudice to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended ("STCW"). A medical certificate issued in accordance with the requirements of STCW shall be accepted by the competent authority, for the purpose of Regulation 1.2. A medical certificate meeting the substance of those requirements, in the case of seafarers not covered by STCW, shall similarly be accepted.

4. The medical certificate shall be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate. Practitioners must enjoy full professional independence in exercising their medical judgement in undertaking medical examination procedures.

5. Seafarers that have been refused a certificate or have had a limitation imposed on their ability to work, in particular with respect to time, field of work or trading area, shall be given the opportunity to have a further examination by another independent medical practitioner or by an independent medical referee.

6. Each medical certificate shall state in particular that:

- (a) the hearing and sight of the seafarer concerned, and the colour vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective colour vision, are all satisfactory; and
- (b) the seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

7. Unless a shorter period is required by reason of the specific duties to be performed by the seafarer concerned or is required under STCW:

- (a) a medical certificate shall be valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year;
- (b) a certification of colour vision shall be valid for a maximum period of six years.

8. In urgent cases the competent authority may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:

- (a) the period of such permission does not exceed three months; and
- (b) the seafarer concerned is in possession of an expired medical certificate of recent date.

9. If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months.

10. The medical certificates for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in English.

Guideline B1.2 – Medical certificate

Guideline B1.2.1 – International guidelines

1. The competent authority, medical practitioners, examiners, shipowners, seafarers' representatives and all other persons concerned with the conduct of medical fitness

examinations of seafarer candidates and serving seafarers should follow the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*, including any subsequent versions, and any other applicable international guidelines published by the International Labour Organization, the International Maritime Organization or the World Health Organization.

Regulation 1.3 – Training and qualifications

Purpose: To ensure that seafarers are trained or qualified to carry out their duties on board ship

1. Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties.

2. Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.

3. Training and certification in accordance with the mandatory instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of paragraphs 1 and 2 of this Regulation.

4. Any Member which, at the time of its ratification of this Convention, was bound by the Certification of Able Seamen Convention, 1946 (No. 74), shall continue to carry out the obligations under that Convention unless and until mandatory provisions covering its subject matter have been adopted by the International Maritime Organization and entered into force, or until five years have elapsed since the entry into force of this Convention in accordance with paragraph 3 of Article VIII, whichever date is earlier.

Regulation 1.4 – Recruitment and placement

Purpose: To ensure that seafarers have access to an efficient and well-regulated seafarer recruitment and placement system

1. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.

2. Seafarer recruitment and placement services operating in a Member's territory shall conform to the standards set out in the Code.

3. Each Member shall require, in respect of seafarers who work on ships that fly its flag, that shipowners who use seafarer recruitment and placement services that are based in countries or territories in which this Convention does not apply, ensure that those services conform to the requirements set out in the Code.

Standard A1.4 – Recruitment and placement

1. Each Member that operates a public seafarer recruitment and placement service shall ensure that the service is operated in an orderly manner that protects and promotes seafarers' employment rights as provided in this Convention.

2. Where a Member has private seafarer recruitment and placement services operating in its territory whose primary purpose is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation. This system shall be established, modified or changed only after consultation with the shipowners' and seafarers' organizations concerned. In the event of doubt as to whether this Convention applies to a private recruitment and placement service, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned. Undue proliferation of private seafarer recruitment and placement services shall not be encouraged.

3. The provisions of paragraph 2 of this Standard shall also apply – to the extent that they are determined by the competent authority, in consultation with the shipowners' and seafarers' organizations concerned, to be appropriate – in the context of recruitment and placement services operated by a seafarers' organization in the territory of the Member for the supply of seafarers who are nationals of that Member to ships which fly its flag. The services covered by this paragraph are those fulfilling the following conditions:

- (a) the recruitment and placement service is operated pursuant to a collective bargaining agreement between that organization and a shipowner;
- (b) both the seafarers' organization and the shipowner are based in the territory of the Member;
- (c) The Member has national laws or regulations or a procedure to authorize or register the collective bargaining agreement permitting the operation of the recruitment and placement service; and
- (d) the recruitment and placement service is operated in an orderly manner and measures are in place to protect and promote seafarers' employment rights comparable to those provided in paragraph 5 of this Standard.

4. Nothing in this Standard or Regulation 1.4 shall be deemed to:

- (a) prevent a Member from maintaining a free public seafarer recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether the service forms part of or is coordinated with a public employment service for all workers and employers; or
- (b) impose on a Member the obligation to establish a system for the operation of private seafarer recruitment or placement services in its territory.

5. A Member adopting a system referred to in paragraph 2 of this Standard shall, in its laws and regulations or other measures, at a minimum:

- (a) prohibit seafarer recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified;
- (b) require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner; and
- (c) ensure that seafarer recruitment and placement services operating in its territory:
 - (i) maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the competent authority;
 - (ii) make sure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;
 - (iii) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;

- (iv) make sure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;
- (v) examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint;
- (vi) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

6. The competent authority shall closely supervise and control all seafarer recruitment and placement services operating in the territory of the Member concerned. Any licences or certificates or similar authorizations for the operation of private services in the territory are granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of national laws and regulations.

7. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.

8. Each Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Convention, until it is satisfied that standards equivalent to those fixed by this Convention are being applied. Measures taken to this effect by the Member that has ratified this Convention shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties.

9. Each Member which has ratified this Convention shall require that shipowners of ships that fly its flag, who use seafarer recruitment and placement services based in countries or territories in which this Convention does not apply, ensure, as far as practicable, that those services meet the requirements of this Standard.

10. Nothing in this Standard shall be understood as diminishing the obligations and responsibilities of shipowners or of a Member with respect to ships that fly its flag.

Guideline B1.4 – Recruitment and placement

Guideline B1.4.1 – Organizational and operational guidelines

1. When fulfilling its obligations under Standard A1.4, paragraph 1, the competent authority should consider:

- (a) taking the necessary measures to promote effective cooperation among seafarer recruitment and placement services, whether public or private;
- (b) the needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers that form the part of the ship's crew that is responsible for the ship's safe navigation and pollution prevention operations, with the participation of shipowners, seafarers and the relevant training institutions;
- (c) making suitable arrangements for the cooperation of representative shipowners' and seafarers' organizations in the organization and operation of the public seafarer recruitment and placement services, where they exist;
- (d) determining, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by seafarer recruitment and placement services, including the collection, storage, combination and communication of such data to third parties;
- (e) maintaining an arrangement for the collection and analysis of all relevant information on the maritime labour market, including the current and prospective supply of seafarers that work as crew classified by age, sex, rank and qualifications, and the industry's requirements, the collection of data on age or sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age or sex;
- (f) ensuring that the staff responsible for the supervision of public and private seafarer recruitment and placement services for ship's crew with responsibility for the ship's safe navigation and pollution prevention operations have had adequate training, including approved sea-service

experience, and have relevant knowledge of the maritime industry, including the relevant maritime international instruments on training, certification and labour standards;

- (g) prescribing operational standards and adopting codes of conduct and ethical practices for seafarer recruitment and placement services; and
- (h) exercising supervision of the licensing or certification system on the basis of a system of quality standards.

2. In establishing the system referred to in Standard A1.4, paragraph 2, each Member should consider requiring seafarer recruitment and placement services, established in its territory, to develop and maintain verifiable operational practices. These operational practices for private seafarer recruitment and placement services and, to the extent that they are applicable, for public seafarer recruitment and placement services should address the following matters:

- (a) medical examinations, seafarers' identity documents and such other items as may be required for the seafarer to gain employment;
- (b) maintaining, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by their recruitment and placement system, which should include but not be limited to:
 - (i) the seafarers' qualifications;
 - (ii) record of employment;
 - (iii) personal data relevant to employment; and
 - (iv) medical data relevant to employment;
- (c) maintaining up-to-date lists of the ships for which the seafarer recruitment and placement services provide seafarers and ensuring that there is a means by which the services can be contacted in an emergency at all hours;
- (d) procedures to ensure that seafarers are not subject to exploitation by the seafarer recruitment and placement services or their personnel with regard to the offer of engagement on particular ships or by particular companies;
- (e) procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the shipowner and the seafarers which are handled by the seafarer recruitment and placement services;
- (f) clearly publicizing costs, if any, which the seafarer will be expected to bear in the recruitment process;
- (g) ensuring that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of the particular shipowner's policies relating to their employment;
- (h) procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and, where applicable, with collective agreements;
- (i) procedures to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified;
- (j) procedures to ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly and sympathetically and at no cost; and
- (k) verifying that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative seafarers' organization and, as a matter of policy, supplying seafarers only to shipowners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

3. Consideration should be given to encouraging international cooperation between Members and relevant organizations, such as:

- (a) the systematic exchange of information on the maritime industry and labour market on a bilateral, regional and multilateral basis;
- (b) the exchange of information on maritime labour legislation;
- (c) the harmonization of policies, working methods and legislation governing recruitment and placement of seafarers;

- (d) the improvement of procedures and conditions for the international recruitment and placement of seafarers; and
- (e) workforce planning, taking account of the supply of and demand for seafarers and the requirements of the maritime industry.

Title 2. Conditions of employment

Regulation 2.1 – Seafarers’ employment agreements

Purpose: To ensure that seafarers have a fair employment agreement

1. The terms and conditions for employment of a seafarer shall be set out or referred to in a clear written legally enforceable agreement and shall be consistent with the standards set out in the Code.
2. Seafarers’ employment agreements shall be agreed to by the seafarer under conditions which ensure that the seafarer has an opportunity to review and seek advice on the terms and conditions in the agreement and freely accepts them before signing.
3. To the extent compatible with the Member’s national law and practice, seafarers’ employment agreements shall be understood to incorporate any applicable collective bargaining agreements.

Standard A2.1 – Seafarers’ employment agreements

1. Each Member shall adopt laws or regulations requiring that ships that fly its flag comply with the following requirements:

- (a) seafarers working on ships that fly its flag shall have a seafarers’ employment agreement signed by both the seafarer and the shipowner or a representative of the shipowner (or, where they are not employees, evidence of contractual or similar arrangements) providing them with decent working and living conditions on board the ship as required by this Convention;
- (b) seafarers signing a seafarers’ employment agreement shall be given an opportunity to examine and seek advice on the agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities;
- (c) the shipowner and seafarer concerned shall each have a signed original of the seafarers’ employment agreement;
- (d) measures shall be taken to ensure that clear information as to the conditions of their employment can be easily obtained on board by seafarers, including the ship’s master, and that such information, including a copy of the seafarers’ employment agreement, is also accessible for review by officers of a competent authority, including those in ports to be visited; and
- (e) seafarers shall be given a document containing a record of their employment on board the ship.

2. Where a collective bargaining agreement forms all or part of a seafarers’ employment agreement, a copy of that agreement shall be available on board. Where the language of the seafarers’ employment agreement and any applicable collective bargaining agreement is not in English, the following shall also be available in English (except for ships engaged only in domestic voyages):

- (a) a copy of a standard form of the agreement; and
- (b) the portions of the collective bargaining agreement that are subject to a port State inspection under Regulation 5.2.

3. The document referred to in paragraph 1(e) of this Standard shall not contain any statement as to the quality of the seafarers’ work or as to their wages. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered, shall be determined by national law.

4. Each Member shall adopt laws and regulations specifying the matters that are to be included in all seafarers’ employment agreements governed by its national law. Seafarers’ employment agreements shall in all cases contain the following particulars:

- (a) the seafarer’s full name, date of birth or age, and birthplace;
- (b) the shipowner’s name and address;
- (c) the place where and date when the seafarers’ employment agreement is entered into;
- (d) the capacity in which the seafarer is to be employed;

- (e) the amount of the seafarer's wages or, where applicable, the formula used for calculating them;
- (f) the amount of paid annual leave or, where applicable, the formula used for calculating it;
- (g) the termination of the agreement and the conditions thereof, including:
 - (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;
 - (ii) if the agreement has been made for a definite period, the date fixed for its expiry; and
 - (iii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;
- (h) the health and social security protection benefits to be provided to the seafarer by the shipowner;
- (i) the seafarer's entitlement to repatriation;
- (j) reference to the collective bargaining agreement, if applicable; and
- (k) any other particulars which national law may require.

5. Each Member shall adopt laws or regulations establishing minimum notice periods to be given by the seafarers and shipowners for the early termination of a seafarers' employment agreement. The duration of these minimum periods shall be determined after consultation with the shipowners' and seafarers' organizations concerned, but shall not be shorter than seven days.

6. A notice period shorter than the minimum may be given in circumstances which are recognized under national law or regulations or applicable collective bargaining agreements as justifying termination of the employment agreement at shorter notice or without notice. In determining those circumstances, each Member shall ensure that the need of the seafarer to terminate, without penalty, the employment agreement on shorter notice or without notice for compassionate or other urgent reasons is taken into account.

Guideline B2.1 – Seafarers' employment agreements

Guideline B2.1.1 – Record of employment

1. In determining the particulars to be recorded in the record of employment referred to in Standard A2.1, paragraph 1(e), each Member should ensure that this document contains sufficient information, with a translation in English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion. A seafarers' discharge book may satisfy the requirements of paragraph 1(e) of that Standard.

Regulation 2.2 – Wages

Purpose: To ensure that seafarers are paid for their services

1. All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements.

Standard A2.2 – Wages

1. Each Member shall require that payments due to seafarers working on ships that fly its flag are made at no greater than monthly intervals and in accordance with any applicable collective agreement.

2. Seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.

3. Each Member shall require that shipowners take measures, such as those set out in paragraph 4 of this Standard, to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.

4. Measures to ensure that seafarers are able to transmit their earnings to their families include:

- (a) a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and
- (b) a requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarers.

5. Any charge for the service under paragraphs 3 and 4 of this Standard shall be reasonable in amount, and the rate of currency exchange, unless otherwise provided, shall, in accordance with national laws or regulations, be at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

6. Each Member that adopts national laws or regulations governing seafarers' wages shall give due consideration to the guidance provided in Part B of the Code.

Guideline B2.2 – Wages

Guideline B2.2.1 – Specific definitions

1. For the purpose of this Guideline, the term:

- (a) *able seafarer* means any seafarer who is deemed competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a supervisory or specialist rating, or who is defined as such by national laws, regulations or practice, or by collective agreement;
- (b) *basic pay or wages* means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;
- (c) *consolidated wage* means a wage or salary which includes the basic pay and other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;
- (d) *hours of work* means time during which seafarers are required to do work on account of the ship;
- (e) *overtime* means time worked in excess of the normal hours of work.

Guideline B2.2.2 – Calculation and payment

1. For seafarers whose remuneration includes separate compensation for overtime worked:

- (a) for the purpose of calculating wages, the normal hours of work at sea and in port should not exceed eight hours per day;
- (b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic pay or wages should be prescribed by national laws or regulations, if not determined by collective agreements, but should not exceed 48 hours per week; collective agreements may provide for a different but not less favourable treatment;
- (c) the rate or rates of compensation for overtime, which should be not less than one and one-quarter times the basic pay or wages per hour, should be prescribed by national laws or regulations or by collective agreements, if applicable; and
- (d) records of all overtime worked should be maintained by the master, or a person assigned by the master, and endorsed by the seafarer at no greater than monthly intervals.

2. For seafarers whose wages are fully or partially consolidated:

- (a) the seafarers' employment agreement should specify clearly, where appropriate, the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which might be due in addition to the consolidated wage, and in which circumstances;
- (b) where hourly overtime is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate should be not less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in paragraph 1 of this Guideline; the same principle should be applied to the overtime hours included in the consolidated wage;
- (c) remuneration for that portion of the fully or partially consolidated wage representing the normal hours of work as defined in paragraph 1(a) of this Guideline should be no less than the applicable minimum wage; and
- (d) for seafarers whose wages are partially consolidated, records of all overtime worked should be maintained and endorsed as provided for in paragraph 1(d) of this Guideline.

3. National laws or regulations or collective agreements may provide for compensation for overtime or for work performed on the weekly day of rest and on public holidays by at least equivalent time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided.

4. National laws and regulations adopted after consulting the representative shipowners' and seafarers' organizations or, as appropriate, collective agreements should take into account the following principles:

- (a) equal remuneration for work of equal value should apply to all seafarers employed on the same ship without discrimination based upon race, colour, sex, religion, political opinion, national extraction or social origin;
- (b) the seafarers' employment agreement specifying the applicable wages or wage rates should be carried on board the ship; information on the amount of wages or wage rates should be made available to each seafarer, either by providing at least one signed copy of the relevant information to the seafarer in a language which the seafarer understands, or by posting a copy of the agreement in a place accessible to seafarers or by some other appropriate means;
- (c) wages should be paid in legal tender; where appropriate, they may be paid by bank transfer, bank cheque, postal cheque or money order;
- (d) on termination of engagement all remuneration due should be paid without undue delay;
- (e) adequate penalties or other appropriate remedies should be imposed by the competent authority where shipowners unduly delay, or fail to make, payment of all remuneration due;
- (f) wages should be paid directly to seafarers' designated bank accounts unless they request otherwise in writing;
- (g) subject to subparagraph (h) of this paragraph, the shipowner should impose no limit on seafarers' freedom to dispose of their remuneration;
- (h) deduction from remuneration should be permitted only if:
 - (i) there is an express provision in national laws or regulations or in an applicable collective agreement and the seafarer has been informed, in the manner deemed most appropriate by the competent authority, of the conditions for such deductions; and
 - (ii) the deductions do not in total exceed the limit that may have been established by national laws or regulations or collective agreements or court decisions for making such deductions;
- (i) no deductions should be made from a seafarer's remuneration in respect of obtaining or retaining employment;
- (j) monetary fines against seafarers other than those authorized by national laws or regulations, collective agreements or other measures should be prohibited;
- (k) the competent authority should have the power to inspect stores and services provided on board ship to ensure that fair and reasonable prices are applied for the benefit of the seafarers concerned; and
- (l) to the extent that seafarers' claims for wages and other sums due in respect of their employment are not secured in accordance with the provisions of the International Convention on Maritime Liens and Mortgages, 1993, such claims should be protected in accordance with the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173).

5. Each Member should, after consulting with representative shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Guideline.

Guideline B2.2.3 – Minimum wages

1. Without prejudice to the principle of free collective bargaining, each Member should, after consulting representative shipowners' and seafarers' organizations, establish procedures for determining minimum wages for seafarers. Representative shipowners' and seafarers' organizations should participate in the operation of such procedures.

2. When establishing such procedures and in fixing minimum wages, due regard should be given to international labour standards concerning minimum wage fixing, as well as the following principles:

- (a) the level of minimum wages should take into account the nature of maritime employment, crewing levels of ships, and seafarers' normal hours of work; and
- (b) the level of minimum wages should be adjusted to take into account changes in the cost of living and in the needs of seafarers.

3. The competent authority should ensure:

- (a) by means of a system of supervision and sanctions, that wages are paid at not less than the rate or rates fixed; and
- (b) that any seafarers who have been paid at a rate lower than the minimum wage are enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which they have been underpaid.

Guideline B2.2.4 – Minimum monthly basic pay or wage figure for able seafarers

1. The basic pay or wages for a calendar month of service for an able seafarer should be no less than the amount periodically set by the Joint Maritime Commission or another body authorized by the Governing Body of the International Labour Office. Upon a decision of the Governing Body, the Director-General shall notify any revised amount to the Members of the Organization.

2. Nothing in this Guideline should be deemed to prejudice arrangements agreed between ship-owners or their organizations and seafarers' organizations with regard to the regulation of standard minimum terms and conditions of employment, provided such terms and conditions are recognized by the competent authority.

Regulation 2.3 – Hours of work and hours of rest

Purpose: To ensure that seafarers have regulated hours of work or hours of rest

- 1. Each Member shall ensure that the hours of work or hours of rest for seafarers are regulated.
- 2. Each Member shall establish maximum hours of work or minimum hours of rest over given periods that are consistent with the provisions in the Code.

Standard A2.3 – Hours of work and hours of rest

- 1. For the purpose of this Standard, the term:
 - (a) *hours of work* means time during which seafarers are required to do work on account of the ship;
 - (b) *hours of rest* means time outside hours of work; this term does not include short breaks.
- 2. Each Member shall within the limits set out in paragraphs 5 to 8 of this Standard fix either a maximum number of hours of work which shall not be exceeded in a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.
- 3. Each Member acknowledges that the normal working hours' standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers' normal working hours on a basis no less favourable than this standard.
- 4. In determining the national standards, each Member shall take account of the danger posed by the fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship.
- 5. The limits on hours of work or rest shall be as follows:
 - (a) maximum hours of work shall not exceed:
 - (i) 14 hours in any 24-hour period; and
 - (ii) 72 hours in any seven-day period; or
 - (b) minimum hours of rest shall not be less than:
 - (i) ten hours in any 24-hour period; and
 - (ii) 77 hours in any seven-day period.
- 6. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
- 7. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.
- 8. When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

9. If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraph 7 or 8 of this Standard are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest.

10. Each Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

- (a) the schedule of service at sea and service in port; and
- (b) the maximum hours of work or the minimum hours of rest required by national laws or regulations or applicable collective agreements.

11. The table referred to in paragraph 10 of this Standard shall be established in a standardized format in the working language or languages of the ship and in English.

12. Each Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with paragraphs 5 to 11 inclusive of this Standard. The records shall be in a standardized format established by the competent authority taking into account any available guidelines of the International Labour Organization or shall be in any standard format prepared by the Organization. They shall be in the languages required by paragraph 11 of this Standard. The seafarers shall receive a copy of the records pertaining to them which shall be endorsed by the master, or a person authorized by the master, and by the seafarers.

13. Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

14. Nothing in this Standard shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Guideline B2.3 – Hours of work and hours of rest

Guideline B2.3.1 – Young seafarers

1. At sea and in port the following provisions should apply to all young seafarers under the age of 18:

- (a) working hours should not exceed eight hours per day and 40 hours per week and overtime should be worked only where unavoidable for safety reasons;
- (b) sufficient time should be allowed for all meals, and a break of at least one hour for the main meal of the day should be assured; and
- (c) a 15-minute rest period as soon as possible following each two hours of continuous work should be allowed.

2. Exceptionally, the provisions of paragraph 1 of this Guideline need not be applied if:

- (a) they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shift-work system; or
- (b) the effective training of young seafarers in accordance with established programmes and schedules would be impaired.

3. Such exceptional situations should be recorded, with reasons, and signed by the master.

4. Paragraph 1 of this Guideline does not exempt young seafarers from the general obligation on all seafarers to work during any emergency as provided for in Standard A2.3, paragraph 14.

*Regulation 2.4 – Entitlement to leave**Purpose: To ensure that seafarers have adequate leave*

1. Each Member shall require that seafarers employed on ships that fly its flag are given paid annual leave under appropriate conditions, in accordance with the provisions in the Code.
2. Seafarers shall be granted shore leave to benefit their health and well-being and with the operational requirements of their positions.

Standard A2.4 – Entitlement to leave

1. Each Member shall adopt laws and regulations determining the minimum standards for annual leave for seafarers serving on ships that fly its flag, taking proper account of the special needs of seafarers with respect to such leave.
2. Subject to any collective agreement or laws or regulations providing for an appropriate method of calculation that takes account of the special needs of seafarers in this respect, the annual leave with pay entitlement shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment. The manner in which the length of service is calculated shall be determined by the competent authority or through the appropriate machinery in each country. Justified absences from work shall not be considered as annual leave.
3. Any agreement to forgo the minimum annual leave with pay prescribed in this Standard, except in cases provided for by the competent authority, shall be prohibited.

Guideline B2.4 – Entitlement to leave

Guideline B2.4.1 – Calculation of entitlement

1. Under conditions as determined by the competent authority or through the appropriate machinery in each country, service off-articles should be counted as part of the period of service.
2. Under conditions as determined by the competent authority or in an applicable collective agreement, absence from work to attend an approved maritime vocational training course or for such reasons as illness or injury or for maternity should be counted as part of the period of service.
3. The level of pay during annual leave should be at the seafarer's normal level of remuneration provided for by national laws or regulations or in the applicable seafarers' employment agreement. For seafarers employed for periods shorter than one year or in the event of termination of the employment relationship, entitlement to leave should be calculated on a pro-rata basis.
4. The following should not be counted as part of annual leave with pay:
 - (a) public and customary holidays recognized as such in the flag State, whether or not they fall during the annual leave with pay;
 - (b) periods of incapacity for work resulting from illness or injury or from maternity, under conditions as determined by the competent authority or through the appropriate machinery in each country;
 - (c) temporary shore leave granted to a seafarer while under an employment agreement; and
 - (d) compensatory leave of any kind, under conditions as determined by the competent authority or through the appropriate machinery in each country.

Guideline B2.4.2 – Taking of annual leave

1. The time at which annual leave is to be taken should, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the shipowner after consultation and, as far as possible, in agreement with the seafarers concerned or their representatives.
2. Seafarers should in principle have the right to take annual leave in the place with which they have a substantial connection, which would normally be the same as the place to which they are entitled to be repatriated. Seafarers should not be required without their consent to take annual leave due to them in another place except under the provisions of a seafarers' employment agreement or of national laws or regulations.
3. If seafarers are required to take their annual leave from a place other than that permitted by paragraph 2 of this Guideline, they should be entitled to free transportation to the place where

they were engaged or recruited, whichever is nearer their home; subsistence and other costs directly involved should be for the account of the shipowner; the travel time involved should not be deducted from the annual leave with pay due to the seafarer.

4. A seafarer taking annual leave should be recalled only in cases of extreme emergency and with the seafarer's consent.

Guideline B2.4.3 – Division and accumulation

1. The division of the annual leave with pay into parts, or the accumulation of such annual leave due in respect of one year together with a subsequent period of leave, may be authorized by the competent authority or through the appropriate machinery in each country.

2. Subject to paragraph 1 of this Guideline and unless otherwise provided in an agreement applicable to the shipowner and the seafarer concerned, the annual leave with pay recommended in this Guideline should consist of an uninterrupted period.

Guideline B2.4.4 – Young seafarers

1. Special measures should be considered with respect to young seafarers under the age of 18 who have served six months or any other shorter period of time under a collective agreement or seafarers' employment agreement without leave on a foreign-going ship which has not returned to their country of residence in that time, and will not return in the subsequent three months of the voyage. Such measures could consist of their repatriation at no expense to themselves to the place of original engagement in their country of residence for the purpose of taking any leave earned during the voyage.

Regulation 2.5 – Repatriation

Purpose: To ensure that seafarers are able to return home

1. Seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions specified in the Code.

2. Each Member shall require ships that fly its flag to provide financial security to ensure that seafarers are duly repatriated in accordance with the Code.

Standard A2.5 – Repatriation

1. Each Member shall ensure that seafarers on ships that fly its flag are entitled to repatriation in the following circumstances:

- (a) if the seafarers' employment agreement expires while they are abroad;
- (b) when the seafarers' employment agreement is terminated:
 - (i) by the shipowner; or
 - (ii) by the seafarer for justified reasons; and also
- (c) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.

2. Each Member shall ensure that there are appropriate provisions in its laws and regulations or other measures or in collective bargaining agreements, prescribing:

- (a) the circumstances in which seafarers are entitled to repatriation in accordance with paragraph 1(b) and (c) of this Standard;
- (b) the maximum duration of service periods on board following which a seafarer is entitled to repatriation – such periods to be less than 12 months; and
- (c) the precise entitlements to be accorded by shipowners for repatriation, including those relating to the destinations of repatriation, the mode of transport, the items of expense to be covered and other arrangements to be made by shipowners.

3. Each Member shall prohibit shipowners from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.

4. National laws and regulations shall not prejudice any right of the shipowner to recover the cost of repatriation under third-party contractual arrangements.

5. If a shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers who are entitled to be repatriated:

- (a) the competent authority of the Member whose flag the ship flies shall arrange for repatriation of the seafarers concerned; if it fails to do so, the State from which the seafarers are to be repatriated or the State of which they are a national may arrange for their repatriation and recover the cost from the Member whose flag the ship flies;
- (b) costs incurred in repatriating seafarers shall be recoverable from the shipowner by the Member whose flag the ship flies;
- (c) the expenses of repatriation shall in no case be a charge upon the seafarers, except as provided for in paragraph 3 of this Standard.

6. Taking into account applicable international instruments, including the International Convention on Arrest of Ships, 1999, a Member which has paid the cost of repatriation pursuant to this Code may detain, or request the detention of, the ships of the shipowner concerned until the reimbursement has been made in accordance with paragraph 5 of this Standard.

7. Each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

8. In particular, a Member shall not refuse the right of repatriation to any seafarer because of the financial circumstances of a shipowner or because of the shipowner's inability or unwillingness to replace a seafarer.

9. Each Member shall require that ships that fly its flag carry and make available to seafarers a copy of the applicable national provisions regarding repatriation written in an appropriate language.

Guideline B2.5 – Repatriation

Guideline B2.5.1 – Entitlement

1. Seafarers should be entitled to repatriation:

- (a) in the case covered by Standard A2.5, paragraph 1(a), upon the expiry of the period of notice given in accordance with the provisions of the seafarers' employment agreement;
- (b) in the cases covered by Standard A2.5, paragraph 1(b) and (c):
 - (i) in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel;
 - (ii) in the event of shipwreck;
 - (iii) in the event of the shipowner not being able to continue to fulfil their legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;
 - (iv) in the event of a ship being bound for a war zone, as defined by national laws or regulations or seafarers' employment agreements, to which the seafarer does not consent to go; and
 - (v) in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

2. In determining the maximum duration of service periods on board following which a seafarer is entitled to repatriation, in accordance with this Code, account should be taken of factors affecting the seafarers' working environment. Each Member should seek, wherever possible, to reduce these periods in the light of technological changes and developments and might be guided by any recommendations made on the matter by the Joint Maritime Commission.

3. The costs to be borne by the shipowner for repatriation under Standard A2.5 should include at least the following:

- (a) passage to the destination selected for repatriation in accordance with paragraph 6 of this Guideline;
- (b) accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;
- (c) pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination, if provided for by national laws or regulations or collective agreements;

- (d) transportation of 30 kg of the seafarers' personal luggage to the repatriation destination; and
- (e) medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination.

4. Time spent awaiting repatriation and repatriation travel time should not be deducted from paid leave accrued to the seafarers.

5. Shipowners should be required to continue to cover the costs of repatriation until the seafarers concerned are landed at a destination prescribed pursuant to this Code or are provided with suitable employment on board a ship proceeding to one of those destinations.

6. Each Member should require that shipowners take responsibility for repatriation arrangements by appropriate and expeditious means. The normal mode of transport should be by air. The Member should prescribe the destinations to which seafarers may be repatriated. The destinations should include the countries with which seafarers may be deemed to have a substantial connection including:

- (a) the place at which the seafarer agreed to enter into the engagement;
- (b) the place stipulated by collective agreement;
- (c) the seafarer's country of residence; or
- (d) such other place as may be mutually agreed at the time of engagement.

7. Seafarers should have the right to choose from among the prescribed destinations the place to which they are to be repatriated.

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements.

Guideline B2.5.2 – Implementation by Members

1. Every possible practical assistance should be given to a seafarer stranded in a foreign port pending repatriation and in the event of delay in the repatriation of the seafarer, the competent authority in the foreign port should ensure that the consular or local representative of the flag State and the seafarer's State of nationality or State of residence, as appropriate, is informed immediately.

2. Each Member should have regard to whether proper provision is made:

- (a) for the return of seafarers employed on a ship that flies the flag of a foreign country who are put ashore in a foreign port for reasons for which they are not responsible:
 - (i) to the port at which the seafarer concerned was engaged; or
 - (ii) to a port in the seafarer's State of nationality or State of residence, as appropriate; or
 - (iii) to another port agreed upon between the seafarer and the master or shipowner, with the approval of the competent authority or under other appropriate safeguards;
- (b) for medical care and maintenance of seafarers employed on a ship that flies the flag of a foreign country who are put ashore in a foreign port in consequence of sickness or injury incurred in the service of the ship and not due to their own wilful misconduct.

3. If, after young seafarers under the age of 18 have served on a ship for at least four months during their first foreign-going voyage, it becomes apparent that they are unsuited to life at sea, they should be given the opportunity of being repatriated at no expense to themselves from the first suitable port of call in which there are consular services of the flag State, or the State of nationality or residence of the young seafarer. Notification of any such repatriation, with the reasons therefor, should be given to the authority which issued the papers enabling the young seafarers concerned to take up seagoing employment.

Regulation 2.6 – Seafarer compensation for the ship's loss or foundering

Purpose: To ensure that seafarers are compensated when a ship is lost or has foundered

1. Seafarers are entitled to adequate compensation in the case of injury, loss or unemployment arising from the ship's loss or foundering.

Standard A2.6 – Seafarer compensation for the ship's loss or foundering

1. Each Member shall make rules ensuring that, in every case of loss or foundering of any ship, the shipowner shall pay to each seafarer on board an indemnity against unemployment resulting from such loss or foundering.

2. The rules referred to in paragraph 1 of this Standard shall be without prejudice to any other rights a seafarer may have under the national law of the Member concerned for losses or injuries arising from a ship's loss or foundering.

Guideline B2.6 – Seafarer compensation for the ship's loss or foundering

Guideline B2.6.1 – Calculation of indemnity against unemployment

1. The indemnity against unemployment resulting from a ship's foundering or loss should be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the employment agreement, but the total indemnity payable to any one seafarer may be limited to two months' wages.

2. Each Member should ensure that seafarers have the same legal remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

Regulation 2.7 – Manning levels

Purpose: To ensure that seafarers work on board ships with sufficient personnel for the safe, efficient and secure operation of the ship

1. Each Member shall require that all ships that fly its flag have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage.

Standard A2.7 – Manning levels

1. Each Member shall require that all ships that fly its flag have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the minimum safe manning document or an equivalent issued by the competent authority, and to comply with the standards of this Convention.

2. When determining, approving or revising manning levels, the competent authority shall take into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, as well as the principles in applicable international instruments, especially those of the International Maritime Organization, on manning levels.

3. When determining manning levels, the competent authority shall take into account all the requirements within Regulation 3.2 and Standard A3.2 concerning food and catering.

Guideline B2.7 – Manning levels

Guideline B2.7.1 – Dispute settlement

1. Each Member should maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of complaints or disputes concerning the manning levels on a ship.

2. Representatives of shipowners' and seafarers' organizations should participate, with or without other persons or authorities, in the operation of such machinery.

Regulation 2.8 – Career and skill development and opportunities for seafarers' employment

Purpose: To promote career and skill development and employment opportunities for seafarers

1. Each Member shall have national policies to promote employment in the maritime sector and to encourage career and skill development and greater employment opportunities for seafarers domiciled in its territory.

Standard A2.8 – Career and skill development
and employment opportunities for seafarers

1. Each Member shall have national policies that encourage career and skill development and employment opportunities for seafarers, in order to provide the maritime sector with a stable and competent workforce.

2. The aim of the policies referred to in paragraph 1 of this Standard shall be to help seafarers strengthen their competencies, qualifications and employment opportunities.

3. Each Member shall, after consulting the shipowners' and seafarers' organizations concerned, establish clear objectives for the vocational guidance, education and training of seafarers whose duties on board ship primarily relate to the safe operation and navigation of the ship, including ongoing training.

Guideline B2.8 – Career and skill development and employment opportunities for seafarers

Guideline B2.8.1 – Measures to promote career and skill development
and employment opportunities for seafarers

1. Measures to achieve the objectives set out in Standard A2.8 might include:

- (a) agreements providing for career development and skills training with a shipowner or an organization of shipowners; or
- (b) arrangements for promoting employment through the establishment and maintenance of registers or lists, by categories, of qualified seafarers; or
- (c) promotion of opportunities, both on board and ashore, for further training and education of seafarers to provide for skill development and portable competencies in order to secure and retain decent work, to improve individual employment prospects and to meet the changing technology and labour market conditions of the maritime industry.

Guideline B2.8.2 – Register of seafarers

1. Where registers or lists govern the employment of seafarers, these registers or lists should include all occupational categories of seafarers in a manner determined by national law or practice or by collective agreement.

2. Seafarers on such a register or list should have priority of engagement for seafaring.

3. Seafarers on such a register or list should be required to be available for work in a manner to be determined by national law or practice or by collective agreement.

4. To the extent that national laws or regulations permit, the number of seafarers on such registers or lists should be periodically reviewed so as to achieve levels adapted to the needs of the maritime industry.

5. When a reduction in the number of seafarers on such a register or list becomes necessary, all appropriate measures should be taken to prevent or minimize detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned.

Title 3. Accommodation, recreational facilities, food and catering

Regulation 3.1 – Accommodation and recreational facilities

Purpose: To ensure that seafarers have decent accommodation and recreational facilities on board

1. Each Member shall ensure that ships that fly its flag provide and maintain decent accommodations and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being.

2. The requirements in the Code implementing this Regulation which relate to ship construction and equipment apply only to ships constructed on or after the date when this Convention comes into force for the Member concerned. For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to that date, under the law or practice of the Member concerned. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

3. Unless expressly provided otherwise, any requirement under an amendment to the Code relating to the provision of seafarer accommodation and recreational facilities shall apply only to ships constructed on or after the amendment takes effect for the Member concerned.

Standard A3.1 – Accommodation and recreational facilities

1. Each Member shall adopt laws and regulations requiring that ships that fly its flag:
 - (a) meet minimum standards to ensure that any accommodation for seafarers, working or living on board, or both, is safe, decent and in accordance with the relevant provisions of this Standard; and
 - (b) are inspected to ensure initial and ongoing compliance with those standards.
2. In developing and applying the laws and regulations to implement this Standard, the competent authority, after consulting the shipowners' and seafarers' organizations concerned, shall:
 - (a) take into account Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention, in light of the specific needs of seafarers that both live and work on board ship, and
 - (b) give due consideration to the guidance contained in Part B of this Code.
3. The inspections required under Regulation 5.1.4 shall be carried out when:
 - (a) a ship is registered or re-registered; or
 - (b) the seafarer accommodation on a ship has been substantially altered.
4. The competent authority shall pay particular attention to ensuring implementation of the requirements of this Convention relating to:
 - (a) the size of rooms and other accommodation spaces;
 - (b) heating and ventilation;
 - (c) noise and vibration and other ambient factors;
 - (d) sanitary facilities;
 - (e) lighting; and
 - (f) hospital accommodation.
5. The competent authority of each Member shall require that ships that fly its flag meet the minimum standards for on-board accommodation and recreational facilities that are set out in paragraphs 6 to 17 of this Standard.
6. With respect to general requirements for accommodation:
 - (a) there shall be adequate headroom in all seafarer accommodation; the minimum permitted headroom in all seafarer accommodation where full and free movement is necessary shall be not less than 203 centimetres; the competent authority may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction:
 - (i) is reasonable; and
 - (ii) will not result in discomfort to the seafarers;
 - (b) the accommodation shall be adequately insulated;
 - (c) in ships other than passenger ships, as defined in Regulation 2(e) and (f) of the International Convention for the Safety of Life at Sea, 1974, as amended (the "SOLAS Convention"), sleeping rooms shall be situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead;
 - (d) in passenger ships, and in special ships constructed in compliance with the IMO *Code of Safety for Special Purpose Ships*, 1983, and subsequent versions (hereinafter called "special purpose ships"), the competent authority may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways;
 - (e) there shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gas-tight;

- (f) the materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment;
- (g) proper lighting and sufficient drainage shall be provided; and
- (h) accommodation and recreational and catering facilities shall meet the requirements in Regulation 4.3, and the related provisions in the Code, on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and onboard living environment for seafarers.

7. With respect to requirements for ventilation and heating:

- (a) sleeping rooms and mess rooms shall be adequately ventilated;
- (b) ships, except those regularly engaged in trade where temperate climatic conditions do not require this, shall be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room;
- (c) all sanitary spaces shall have ventilation to the open air, independently of any other part of the accommodation; and
- (d) adequate heat through an appropriate heating system shall be provided, except in ships exclusively on voyages in tropical climates.

8. With respect to requirements for lighting, subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light.

9. When sleeping accommodation on board ships is required, the following requirements for sleeping rooms apply:

- (a) in ships other than passenger ships, an individual sleeping room shall be provided for each seafarer; in the case of ships of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by the competent authority after consultation with the shipowners' and seafarers' organizations concerned;
- (b) separate sleeping rooms shall be provided for men and for women;
- (c) sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness;
- (d) a separate berth for each seafarer shall in all circumstances be provided;
- (e) the minimum inside dimensions of a berth shall be at least 198 centimetres by 80 centimetres;
- (f) in single berth seafarers' sleeping rooms the floor area shall not be less than:
 - (i) 4.5 square metres in ships of less than 3,000 gross tonnage;
 - (ii) 5.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;
 - (iii) 7 square metres in ships of 10,000 gross tonnage or over;
- (g) however, in order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the competent authority may allow a reduced floor area;
- (h) in ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers; the floor area of such sleeping rooms shall not be less than 7 square metres;
- (i) on passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers shall not be less than:
 - (i) 7.5 square metres in rooms accommodating two persons;
 - (ii) 11.5 square metres in rooms accommodating three persons;
 - (iii) 14.5 square metres in rooms accommodating four persons;
- (j) on special purpose ships sleeping rooms may accommodate more than four persons; the floor area of such sleeping rooms shall not be less than 3.6 square metres per person;
- (k) on ships other than passenger ships and special purpose ships, sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person shall not be less than:
 - (i) 7.5 square metres in ships of less than 3,000 gross tonnage;

- (ii) 8.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;
- (iii) 10 square metres in ships of 10,000 gross tonnage or over;
- (l) on passenger ships and special purpose ships the floor area for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, the floor area per person for junior officers shall not be less than 7.5 square metres and for senior officers not less than 8.5 square metres; junior officers are understood to be at the operational level, and senior officers at the management level;
- (m) the master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned;
- (n) for each occupant, the furniture shall include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres; it shall be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy;
- (o) each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

10. With respect to requirements for mess rooms:

- (a) mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned; and
- (b) mess rooms shall be of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time; provision shall be made for separate or common mess room facilities as appropriate.

11. With respect to requirements for sanitary facilities:

- (a) all seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and for women;
- (b) there shall be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned;
- (c) in all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities shall be provided at a convenient location;
- (d) with the exception of passenger ships, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided;
- (e) in passenger ships normally engaged on voyages of not more than four hours' duration, consideration may be given by the competent authority to special arrangements or to a reduction in the number of facilities required; and
- (f) hot and cold running fresh water shall be available in all wash places.

12. With respect to requirements for hospital accommodation, ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes; the competent authority may relax this requirement for ships engaged in coastal trade; in approving on-board hospital accommodation, the competent authority shall ensure that the accommodation will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention.

13. Appropriately situated and furnished laundry facilities shall be available.

14. All ships shall have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on board.

15. All ships shall be provided with separate offices or a common ship's office for use by deck and engine departments; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned.

16. Ships regularly trading to mosquito-infested ports shall be fitted with appropriate devices as required by the competent authority.

17. Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention.

18. The competent authority shall require frequent inspections to be carried out on board ships, by or under the authority of the master, to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair. The results of each such inspection shall be recorded and be available for review.

19. In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the competent authority may, after consultation with the shipowners' and seafarers' organizations concerned, permit fairly applied variations in respect of this Standard on condition that such variations do not result in overall facilities less favourable than those which would result from the application of this Standard.

20. Each Member may, after consultation with the shipowners' and seafarers' organizations concerned, exempt ships of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the ship and the number of persons on board in relation to the requirements of the following provisions of this Standard:

- (a) paragraphs 7(b), 11(d) and 13; and
- (b) paragraph 9(f) and (h) to (l) inclusive, with respect to floor area only.

21. Any exemptions with respect to the requirements of this Standard may be made only where they are expressly permitted in this Standard and only for particular circumstances in which such exemptions can be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.

Guideline B3.1 – Accommodation and recreational facilities

Guideline B3.1.1 – Design and construction

1. External bulkheads of sleeping rooms and mess rooms should be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced should be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Measures should also be taken to provide protection from heat effects of steam or hot-water service pipes or both.

2. Sleeping rooms, mess rooms, recreation rooms and alleyways in the accommodation space should be adequately insulated to prevent condensation or overheating.

3. The bulkhead surfaces and deckheads should be of material with a surface easily kept clean. No form of construction likely to harbour vermin should be used.

4. The bulkhead surfaces and deckheads in sleeping rooms and mess rooms should be capable of being easily kept clean and light in colour with a durable, nontoxic finish.

5. The decks in all seafarer accommodation should be of approved material and construction and should provide a non-slip surface impervious to damp and easily kept clean.

6. Where the floorings are made of composite materials, the joints with the sides should be profiled to avoid crevices.

Guideline B3.1.2 – Ventilation

1. The system of ventilation for sleeping rooms and mess rooms should be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

2. Air-conditioning systems, whether of a centralized or individual unit type, should be designed to:

- (a) maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, ensure a sufficiency of air changes in all air-conditioned spaces, take account of the particular characteristics of operations at sea and not produce excessive noises or vibrations; and
- (b) facilitate easy cleaning and disinfection to prevent or control the spread of disease.

3. Power for the operation of the air conditioning and other aids to ventilation required by the preceding paragraphs of this Guideline should be available at all times when seafarers are living or working on board and conditions so require. However, this power need not be provided from an emergency source.

Guideline B3.1.3 – Heating

1. The system of heating the seafarer accommodation should be in operation at all times when seafarers are living or working on board and conditions require its use.

2. In all ships in which a heating system is required, the heating should be by means of hot water, warm air, electricity, steam or equivalent. However, within the accommodation area, steam should not be used as a medium for heat transmission. The heating system should be capable of maintaining the temperature in seafarer accommodation at a satisfactory level under normal conditions of weather and climate likely to be met within the trade in which the ship is engaged. The competent authority should prescribe the standard to be provided.

3. Radiators and other heating apparatus should be placed and, where necessary, shielded so as to avoid risk of fire or danger or discomfort to the occupants.

Guideline B3.1.4 – Lighting

1. In all ships, electric light should be provided in the seafarer accommodation. If there are not two independent sources of electricity for lighting, additional lighting should be provided by properly constructed lamps or lighting apparatus for emergency use.

2. In sleeping rooms an electric reading lamp should be installed at the head of each berth.

3. Suitable standards of natural and artificial lighting should be fixed by the competent authority.

Guideline B3.1.5 – Sleeping rooms

1. There should be adequate berth arrangements on board, making it as comfortable as possible for the seafarer and any partner who may accompany the seafarer.

2. Where the size of the ship, the activity in which it is to be engaged and its layout make it reasonable and practicable, sleeping rooms should be planned and equipped with a private bathroom, including a toilet, so as to provide reasonable comfort for the occupants and to facilitate tidiness.

3. As far as practicable, sleeping rooms of seafarers should be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers.

4. In the case of seafarers performing the duty of petty officers there should be no more than two persons per sleeping room.

5. Consideration should be given to extending the facility referred to in Standard A3.1, paragraph 9(m), to the second engineer officer when practicable.

6. Space occupied by berths and lockers, chests of drawers and seats should be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture should be excluded.

7. Berths should not be arranged in tiers of more than two; in the case of berths placed along the ship's side, there should be only a single tier where a sidelight is situated above a berth.

8. The lower berth in a double tier should be not less than 30 centimetres above the floor; the upper berth should be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

9. The framework and the lee-board, if any, of a berth should be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.

10. If tubular frames are used for the construction of berths, they should be completely sealed and without perforations which would give access to vermin.

11. Each berth should be fitted with a comfortable mattress with cushioning bottom or a combined cushioning mattress, including a spring bottom or a spring mattress. The mattress and cushioning material used should be made of approved material. Stuffing of material likely to harbour vermin should not be used.

12. When one berth is placed over another, a dust-proof bottom should be fitted beneath the bottom mattress or spring bottom of the upper berth.

13. The furniture should be of smooth, hard material not liable to warp or corrode.

14. Sleeping rooms should be fitted with curtains or equivalent for the sidelights.

15. Sleeping rooms should be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

Guideline B3.1.6 – Mess rooms

1. Mess room facilities may be either common or separate. The decision in this respect should be taken after consultation with seafarers' and shipowners' representatives and subject to the approval of the competent authority. Account should be taken of factors such as the size of the ship and the distinctive cultural, religious and social needs of the seafarers.

2. Where separate mess room facilities are to be provided to seafarers, then separate mess rooms should be provided for:

- (a) master and officers; and
- (b) petty officers and other seafarers.

3. On ships other than passenger ships, the floor area of mess rooms for seafarers should be not less than 1.5 square metres per person of the planned seating capacity.

4. In all ships, mess rooms should be equipped with tables and appropriate seats, fixed or movable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time.

5. There should be available at all times when seafarers are on board:

- (a) a refrigerator, which should be conveniently situated and of sufficient capacity for the number of persons using the mess room or mess rooms;
- (b) facilities for hot beverages; and
- (c) cool water facilities.

6. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils should be provided.

7. The tops of tables and seats should be of damp-resistant material.

Guideline B3.1.7 – Sanitary accommodation

1. Washbasins and tub baths should be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

2. All toilets should be of an approved pattern and provided with an ample flush of water or with some other suitable flushing means, such as air, which are available at all times and independently controllable.

3. Sanitary accommodation intended for the use of more than one person should comply with the following:

- (a) floors should be of approved durable material, impervious to damp, and should be properly drained;
- (b) bulkheads should be of steel or other approved material and should be watertight up to at least 23 centimetres above the level of the deck;
- (c) the accommodation should be sufficiently lit, heated and ventilated;
- (d) toilets should be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access; this requirement does not apply where a toilet is located in a compartment between two sleeping rooms having a total of not more than four seafarers; and

- (e) where there is more than one toilet in a compartment, they should be sufficiently screened to ensure privacy.
4. The laundry facilities provided for seafarers' use should include:
- (a) washing machines;
 - (b) drying machines or adequately heated and ventilated drying rooms; and
 - (c) irons and ironing boards or their equivalent.

Guideline B3.1.8 – Hospital accommodation

1. The hospital accommodation should be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases.
2. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply should be designed to ensure the comfort and facilitate the treatment of the occupants.
3. The number of hospital berths required should be prescribed by the competent authority.
4. Sanitary accommodation should be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto. Such sanitary accommodation should comprise a minimum of one toilet, one washbasin and one tub or shower.

Guideline B3.1.9 – Other facilities

1. Where separate facilities for engine department personnel to change their clothes are provided, they should be:
 - (a) located outside the machinery space but with easy access to it; and
 - (b) fitted with individual clothes lockers as well as with tubs or showers or both and washbasins having hot and cold running fresh water.

Guideline B3.1.10 – Bedding, mess utensils and miscellaneous provisions

1. Each Member should consider applying the following principles:
 - (a) clean bedding and mess utensils should be supplied by the shipowner to all seafarers for use on board during service on the ship, and such seafarers should be responsible for their return at times specified by the master and on completion of service in the ship;
 - (b) bedding should be of good quality, and plates, cups and other mess utensils should be of approved material which can be easily cleaned; and
 - (c) towels, soap and toilet paper for all seafarers should be provided by the shipowner.

Guideline B3.1.11 – Recreational facilities, mail and ship visit arrangements

1. Recreational facilities and services should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.
2. Furnishings for recreational facilities should as a minimum include a bookcase and facilities for reading, writing and, where practicable, games.
3. In connection with the planning of recreation facilities, the competent authority should give consideration to the provision of a canteen.
4. Consideration should also be given to including the following facilities at no cost to the seafarer, where practicable:
 - (a) a smoking room;
 - (b) television viewing and the reception of radio broadcasts;
 - (c) showing of films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
 - (d) sports equipment including exercise equipment, table games and deck games;
 - (e) where possible, facilities for swimming;
 - (f) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;
 - (g) facilities for recreational handicrafts;

- (h) electronic equipment such as a radio, television, video recorders, DVD/CD player, personal computer and software and cassette recorder/player;
- (i) where appropriate, the provision of bars on board for seafarers unless these are contrary to national, religious or social customs; and
- (j) reasonable access to ship-to-shore telephone communications, and email and Internet facilities, where available, with any charges for the use of these services being reasonable in amount.

5. Every effort should be given to ensuring that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts should also be considered for avoiding seafarers being required to pay additional postage when mail has to be re addressed owing to circumstances beyond their control.

6. Measures should be considered to ensure, subject to any applicable national or international laws or regulations, that whenever possible and reasonable seafarers are expeditiously granted permission to have their partners, relatives and friends as visitors on board their ship when in port. Such measures should meet any concerns for security clearances.

7. Consideration should be given to the possibility of allowing seafarers to be accompanied by their partners on occasional voyages where this is practicable and reasonable. Such partners should carry adequate insurance cover against accident and illness; the shipowners should give every assistance to the seafarer to effect such insurance.

Guideline B3.1.12 – Prevention of noise and vibration

1. Accommodation and recreational and catering facilities should be located as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus.

2. Acoustic insulation or other appropriate sound-absorbing materials should be used in the construction and finishing of bulkheads, deckheads and decks within the sound-producing spaces as well as self-closing noise-isolating doors for machinery spaces.

3. Engine rooms and other machinery spaces should be provided, wherever practicable, with soundproof centralized control rooms for engine-room personnel. Working spaces, such as the machine shop, should be insulated, as far as practicable, from the general engine-room noise and measures should be taken to reduce noise in the operation of machinery.

4. The limits for noise levels for working and living spaces should be in conformity with the ILO international guidelines on exposure levels, including those in the ILO code of practice entitled *Ambient factors in the workplace*, 2001, and, where applicable, the specific protection recommended by the International Maritime Organization, and with any subsequent amending and supplementary instruments for acceptable noise levels on board ships. A copy of the applicable instruments in English or the working language of the ship should be carried on board and should be accessible to seafarers.

5. No accommodation or recreational or catering facilities should be exposed to excessive vibration.

Regulation 3.2 – Food and catering

Purpose: To ensure that seafarers have access to good quality food and drinking water provided under regulated hygienic conditions

1. Each Member shall ensure that ships that fly its flag carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds.

2. Seafarers on board a ship shall be provided with food free of charge during the period of engagement.

3. Seafarers employed as ships' cooks with responsibility for food preparation must be trained and qualified for their position on board ship.

Standard A3.2 – Food and catering

1. Each Member shall adopt laws and regulations or other measures to provide minimum standards for the quantity and quality of food and drinking water and for the catering standards that apply to meals provided to seafarers on ships that fly its flag, and shall undertake educational activities to promote awareness and implementation of the standards referred to in this paragraph.

2. Each Member shall ensure that ships that fly its flag meet the following minimum standards:

- (a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety;
- (b) the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions; and
- (c) catering staff shall be properly trained or instructed for their positions.

3. Shipowners shall ensure that seafarers who are engaged as ships' cooks are trained, qualified and found competent for the position in accordance with requirements set out in the laws and regulations of the Member concerned.

4. The requirements under paragraph 3 of this Standard shall include a completion of a training course approved or recognized by the competent authority, which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.

5. On ships operating with a prescribed manning of less than ten which, by virtue of the size of the crew or the trading pattern, may not be required by the competent authority to carry a fully qualified cook, anyone processing food in the galley shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

6. In circumstances of exceptional necessity, the competent authority may issue a dispensation permitting a non-fully qualified cook to serve in a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

7. In accordance with the ongoing compliance procedures under Title 5, the competent authority shall require that frequent documented inspections be carried out on board ships, by or under the authority of the master, with respect to:

- (a) supplies of food and drinking water;
- (b) all spaces and equipment used for the storage and handling of food and drinking water; and
- (c) galley and other equipment for the preparation and service of meals.

8. No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.

Guideline B3.2 – Food and catering

Guideline B3.2.1 – Inspection, education, research and publication

1. The competent authority should, in cooperation with other relevant agencies and organizations, collect up-to-date information on nutrition and on methods of purchasing, storing, preserving, cooking and serving food, with special reference to the requirements of catering on board a ship. This information should be made available, free of charge or at reasonable cost, to manufacturers of and traders in ships' food supplies and equipment, masters, stewards and cooks, and to shipowners' and seafarers' organizations concerned. Appropriate forms of publicity, such as manuals, brochures, posters, charts or advertisements in trade journals, should be used for this purpose.

2. The competent authority should issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of hygiene, and ensure the maximum practicable convenience in working arrangements.

3. The competent authority should work with relevant agencies and organizations to develop educational materials and on-board information concerning methods of ensuring proper food supply and catering services.

4. The competent authority should work in close cooperation with the shipowners' and seafarers' organizations concerned and with national or local authorities dealing with questions of food and health, and may where necessary utilize the services of such authorities.

Guideline B3.2.2 – Ships' cooks

1. Seafarers should only be qualified as ships' cooks if they have:

- (a) served at sea for a minimum period to be prescribed by the competent authority, which could be varied to take into account existing relevant qualifications or experience;
- (b) passed an examination prescribed by the competent authority or passed an equivalent examination at an approved training course for cooks.

2. The prescribed examination may be conducted and certificates granted either directly by the competent authority or, subject to its control, by an approved school for the training of cooks.

3. The competent authority should provide for the recognition, where appropriate, of certificates of qualification as ships' cooks issued by other Members, which have ratified this Convention or the Certification of Ships' Cooks Convention, 1946 (No. 69), or other approved body.

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

Regulation 4.1 – Medical care on board ship and ashore

Purpose: To protect the health of seafarers and ensure their prompt access to medical care on board ship and ashore

1. Each Member shall ensure that all seafarers on ships that fly its flag are covered by adequate measures for the protection of their health and that they have access to prompt and adequate medical care whilst working on board.

2. The protection and care under paragraph 1 of this Regulation shall, in principle, be provided at no cost to the seafarers.

3. Each Member shall ensure that seafarers on board ships in its territory who are in need of immediate medical care are given access to the Member's medical facilities on shore.

4. The requirements for on-board health protection and medical care set out in the Code include standards for measures aimed at providing seafarers with health protection and medical care as comparable as possible to that which is generally available to workers ashore.

Standard A4.1 – Medical care on board ship and ashore

1. Each Member shall ensure that measures providing for health protection and medical care, including essential dental care, for seafarers working on board a ship that flies its flag are adopted which:

- (a) ensure the application to seafarers of any general provisions on occupational health protection and medical care relevant to their duties, as well as of special provisions specific to work on board ship;
- (b) ensure that seafarers are given health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;
- (c) give seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;
- (d) ensure that, to the extent consistent with the Member's national law and practice, medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and
- (e) are not limited to treatment of sick or injured seafarers but include measures of a preventive character such as health promotion and health education programmes.

2. The competent authority shall adopt a standard medical report form for use by the ships' masters and relevant onshore and on-board medical personnel. The form, when completed, and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers.

3. Each Member shall adopt laws and regulations establishing requirements for on-board hospital and medical care facilities and equipment and training on ships that fly its flag.

4. National laws and regulations shall as a minimum provide for the following requirements:

- (a) all ships shall carry a medicine chest, medical equipment and a medical guide, the specifics of which shall be prescribed and subject to regular inspection by the competent authority; the national requirements shall take into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards;
- (b) ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care; national laws or regulations shall also specify which other ships shall be required to carry a medical doctor, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board;
- (c) ships which do not carry a medical doctor shall be required to have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid; persons in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended ("STCW"); seafarers designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements of STCW; national laws or regulations shall specify the level of approved training required taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board; and
- (d) the competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly.

Guideline B4.1 – Medical care on board ship and ashore

Guideline B4.1.1 – Provision of medical care

1. When determining the level of medical training to be provided on board ships that are not required to carry a medical doctor, the competent authority should require that:

- (a) ships which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours should have at least one designated seafarer with the approved medical first-aid training required by STCW which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on board a ship and to make use of medical advice by radio or satellite communication; and
- (b) all other ships should have at least one designated seafarer with approved training in medical care required by STCW, including practical training and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in co-ordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board.

2. The training referred to in paragraph 1 of this Guideline should be based on the contents of the most recent editions of the *International Medical Guide for Ships*, the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, the *Document for Guidance – An International Maritime Training Guide*, and the medical section of the *International Code of Signals* as well as similar national guides.

3. Persons referred to in paragraph 1 of this Guideline and such other seafarers as may be required by the competent authority should undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.

4. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, should be properly maintained and inspected at regular intervals, not exceeding

12 months, by responsible persons designated by the competent authority, who should ensure that the labelling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required. In adopting or reviewing the ship's medical guide used nationally, and in determining the contents of the medicine chest and medical equipment, the competent authority should take into account international recommendations in this field, including the latest edition of the *International Medical Guide for Ships*, and other guides mentioned in paragraph 2 of this Guideline.

5. Where a cargo which is classified dangerous has not been included in the most recent edition of the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes should be made available to the seafarers. Such specific antidotes and personal protective devices should be on board whenever dangerous goods are carried. This information should be integrated with the ship's policies and programmes on occupational safety and health described in Regulation 4.3 and related Code provisions.

6. All ships should carry a complete and up-to-date list of radio stations through which medical advice can be obtained; and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained. Seafarers with responsibility for medical care or medical first aid on board should be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the *International Code of Signals* so as to enable them to understand the type of information needed by the advising doctor as well as the advice received.

Guideline B4.1.2 – Medical report form

1. The standard medical report form for seafarers required under Part A of this Code should be designed to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury.

Guideline B4.1.3 – Medical care ashore

1. Shore-based medical facilities for treating seafarers should be adequate for the purposes. The doctors, dentists and other medical personnel should be properly qualified.

2. Measures should be taken to ensure that seafarers have access when in port to:

- (a) outpatient treatment for sickness and injury;
- (b) hospitalization when necessary; and
- (c) facilities for dental treatment, especially in cases of emergency.

3. Suitable measures should be taken to facilitate the treatment of seafarers suffering from disease. In particular, seafarers should be promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality or religious belief, and, whenever possible, arrangements should be made to ensure, when necessary, continuation of treatment to supplement the medical facilities available to them.

Guideline B4.1.4 – Medical assistance to other ships and international cooperation

1. Each Member should give due consideration to participating in international cooperation in the area of assistance, programmes and research in health protection and medical care. Such cooperation might cover:

- (a) developing and coordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for the seriously ill or injured on board a ship through such means as periodic ship position reporting systems, rescue coordination centres and emergency helicopter services, in conformity with the International Convention on Maritime Search and Rescue, 1979, as amended, and the *International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual*;
- (b) making optimum use of all ships carrying a doctor and stationing ships at sea which can provide hospital and rescue facilities;
- (c) compiling and maintaining an international list of doctors and medical care facilities available worldwide to provide emergency medical care to seafarers;
- (d) landing seafarers ashore for emergency treatment;

- (e) repatriating seafarers hospitalized abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
- (f) arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
- (g) endeavouring to set up health centres for seafarers to:
 - (i) conduct research on the health status, medical treatment and preventive health care of seafarers; and
 - (ii) train medical and health service staff in maritime medicine;
- (h) collecting and evaluating statistics concerning occupational accidents, diseases and fatalities of seafarers and integrating and harmonizing the statistics with any existing national system of statistics on occupational accidents and diseases covering other categories of workers;
- (i) organizing international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;
- (j) providing all seafarers with special curative and preventive health and medical services in port, or making available to them general health, medical and rehabilitation services; and
- (k) arranging for the repatriation of the bodies or ashes of deceased seafarers, in accordance with the wishes of the next of kin and as soon as practicable.

2. International cooperation in the field of health protection and medical care for seafarers should be based on bilateral or multilateral agreements or consultations among Members.

Guideline B4.1.5 – Dependants of seafarers

1. Each Member should adopt measures to secure proper and sufficient medical care for the dependants of seafarers domiciled in its territory pending the development of a medical care service which would include within its scope workers generally and their dependants where such services do not exist and should inform the International Labour Office concerning the measures taken for this purpose.

Regulation 4.2 – Shipowners' liability

Purpose: To ensure that seafarers are protected from the financial consequences of sickness, injury or death occurring in connection with their employment

1. Each Member shall ensure that measures, in accordance with the Code, are in place on ships that fly its flag to provide seafarers employed on the ships with a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from their employment under such agreement.

2. This Regulation does not affect any other legal remedies that a seafarer may seek.

Standard A4.2 – Shipowners' liability

1. Each Member shall adopt laws and regulations requiring that shipowners of ships that fly its flag are responsible for health protection and medical care of all seafarers working on board the ships in accordance with the following minimum standards:

- (a) shipowners shall be liable to bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates;
- (b) shipowners shall provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the seafarers' employment agreement or collective agreement;
- (c) shipowners shall be liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character; and

(d) shipowners shall be liable to pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement.

2. National laws or regulations may limit the liability of the shipowner to defray the expense of medical care and board and lodging to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness.

3. Where the sickness or injury results in incapacity for work the shipowner shall be liable:

- (a) to pay full wages as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with this Convention; and
- (b) to pay wages in whole or in part as prescribed by national laws or regulations or as provided for in collective agreements from the time when the seafarers are repatriated or landed until their recovery or, if earlier, until they are entitled to cash benefits under the legislation of the Member concerned.

4. National laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a seafarer no longer on board to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness.

5. National laws or regulations may exclude the shipowner from liability in respect of:

- (a) injury incurred otherwise than in the service of the ship;
- (b) injury or sickness due to the wilful misconduct of the sick, injured or deceased seafarer; and
- (c) sickness or infirmity intentionally concealed when the engagement is entered into.

6. National laws or regulations may exempt the shipowner from liability to defray the expense of medical care and board and lodging and burial expenses in so far as such liability is assumed by the public authorities.

7. Shipowners or their representatives shall take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.

Guideline B4.2 – Shipowners' liability

1. The payment of full wages required by Standard A4.2, paragraph 3(a), may be exclusive of bonuses.

2. National laws or regulations may provide that a shipowner shall cease to be liable to bear the costs of a sick or injured seafarer from the time at which that seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents.

3. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased seafarer under laws or regulations relating to social insurance or workers' compensation.

Regulation 4.3 – Health and safety protection and accident prevention

Purpose: To ensure that seafarers' work environment on board ships promotes occupational safety and health

1. Each Member shall ensure that seafarers on ships that fly its flag are provided with occupational health protection and live, work and train on board ship in a safe and hygienic environment.

2. Each Member shall develop and promulgate national guidelines for the management of occupational safety and health on board ships that fly its flag, after consultation with representative shipowners' and seafarers' organizations and taking into account applicable codes, guidelines and standards recommended by international organizations, national administrations and maritime industry organizations.

3. Each Member shall adopt laws and regulations and other measures addressing the matters specified in the Code, taking into account relevant international instruments, and set standards for occupational safety and health protection and accident prevention on ships that fly its flag.

Standard A4.3 – Health and safety protection and accident prevention

1. The laws and regulations and other measures to be adopted in accordance with Regulation 4.3, paragraph 3, shall include the following subjects:

- (a) the adoption and effective implementation and promotion of occupational safety and health policies and programmes on ships that fly the Member's flag, including risk evaluation as well as training and instruction of seafarers;
- (b) reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;
- (c) on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment; and
- (d) requirements for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.

2. The provisions referred to in paragraph 1 of this Standard shall:

- (a) take account of relevant international instruments dealing with occupational safety and health protection in general and with specific risks, and address all matters relevant to the prevention of occupational accidents, injuries and diseases that may be applicable to the work of seafarers and particularly those which are specific to maritime employment;
- (b) clearly specify the obligation of shipowners, seafarers and others concerned to comply with the applicable standards and with the ship's occupational safety and health policy and programme with special attention being paid to the safety and health of seafarers under the age of 18;
- (c) specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policy and programme; and
- (d) specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee. Such a committee shall be established on board a ship on which there are five or more seafarers.

3. The laws and regulations and other measures referred to in Regulation 4.3, paragraph 3, shall be regularly reviewed in consultation with the representatives of the shipowners' and seafarers' organizations and, if necessary, revised to take account of changes in technology and research in order to facilitate continuous improvement in occupational safety and health policies and programmes and to provide a safe occupational environment for seafarers on ships that fly the Member's flag.

4. Compliance with the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships' occupational safety and health policies and programmes shall be considered as meeting the requirements of this Convention.

5. The competent authority shall ensure that:

- (a) occupational accidents, injuries and diseases are adequately reported, taking into account the guidance provided by the International Labour Organization with respect to the reporting and recording of occupational accidents and diseases;
- (b) comprehensive statistics of such accidents and diseases are kept, analysed and published and, where appropriate, followed up by research into general trends and into the hazards identified; and
- (c) occupational accidents are investigated.

6. Reporting and investigation of occupational safety and health matters shall be designed to ensure the protection of seafarers' personal data, and shall take account of the guidance provided by the International Labour Organization on this matter.

7. The competent authority shall cooperate with shipowners' and seafarers' organizations to take measures to bring to the attention of all seafarers information concerning particular hazards on board ships, for instance, by posting official notices containing relevant instructions.

8. The competent authority shall require that shipowners conducting risk evaluation in relation to management of occupational safety and health refer to appropriate statistical information from their ships and from general statistics provided by the competent authority.

Guideline B4.3 – Health and safety protection and accident prevention

Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases

1. The provisions required under Standard A4.3 should take into account the ILO code of practice entitled *Accident prevention on board ship at sea and in port*, 1996, and subsequent versions and other related ILO and other international standards and guidelines and codes of practice regarding occupational safety and health protection, including any exposure levels that they may identify.

2. The competent authority should ensure that the national guidelines for the management of occupational safety and health address the following matters, in particular:

- (a) general and basic provisions;
- (b) structural features of the ship, including means of access and asbestos-related risks;
- (c) machinery;
- (d) the effects of the extremely low or high temperature of any surfaces with which seafarers may be in contact;
- (e) the effects of noise in the workplace and in shipboard accommodation;
- (f) the effects of vibration in the workplace and in shipboard accommodation;
- (g) the effects of ambient factors, other than those referred to in subparagraphs (e) and (f), in the workplace and in shipboard accommodation, including tobacco smoke;
- (h) special safety measures on and below deck;
- (i) loading and unloading equipment;
- (j) fire prevention and fire-fighting;
- (k) anchors, chains and lines;
- (l) dangerous cargo and ballast;
- (m) personal protective equipment for seafarers;
- (n) work in enclosed spaces;
- (o) physical and mental effects of fatigue;
- (p) the effects of drug and alcohol dependency;
- (q) HIV/AIDS protection and prevention; and
- (r) emergency and accident response.

3. The assessment of risks and reduction of exposure on the matters referred to in paragraph 2 of this Guideline should take account of the physical occupational health effects, including manual handling of loads, noise and vibration, the chemical and biological occupational health effects, the mental occupational health effects, the physical and mental health effects of fatigue, and occupational accidents. The necessary measures should take due account of the preventive principle according to which, among other things, combating risk at the source, adapting work to the individual, especially as regards the design of workplaces, and replacing the dangerous by the non-dangerous or the less dangerous, have precedence over personal protective equipment for seafarers.

4. In addition, the competent authority should ensure that the implications for health and safety are taken into account, particularly in the following areas:

- (a) emergency and accident response;
- (b) the effects of drug and alcohol dependency; and
- (c) HIV/AIDS protection and prevention.

Guideline B4.3.2 – Exposure to noise

1. The competent authority, in conjunction with the competent international bodies and with representatives of shipowners' and seafarers' organizations concerned, should review on an ongoing basis the problem of noise on board ships with the objective of improving the protection of seafarers, in so far as practicable, from the adverse effects of exposure to noise.

2. The review referred to in paragraph 1 of this Guideline should take account of the adverse effects of exposure to excessive noise on the hearing, health and comfort of seafarers and the measures

to be prescribed or recommended to reduce shipboard noise to protect seafarers. The measures to be considered should include the following:

- (a) instruction of seafarers in the dangers to hearing and health of prolonged exposure to high noise levels and in the proper use of noise protection devices and equipment;
- (b) provision of approved hearing protection equipment to seafarers where necessary; and
- (c) assessment of risk and reduction of exposure levels to noise in all accommodation and recreational and catering facilities, as well as engine rooms and other machinery spaces.

Guideline B4.3.3 – Exposure to vibration

1. The competent authority, in conjunction with the competent international bodies and with representatives of shipowners' and seafarers' organizations concerned, and taking into account, as appropriate, relevant international standards, should review on an ongoing basis the problem of vibration on board ships with the objective of improving the protection of seafarers, in so far as practicable, from the adverse effects of vibration.

2. The review referred to in paragraph 1 of this Guideline should cover the effect of exposure to excessive vibration on the health and comfort of seafarers and the measures to be prescribed or recommended to reduce shipboard vibration to protect seafarers. The measures to be considered should include the following:

- (a) instruction of seafarers in the dangers to their health of prolonged exposure to vibration;
- (b) provision of approved personal protective equipment to seafarers where necessary; and
- (c) assessment of risks and reduction of exposure to vibration in all accommodation and recreational and catering facilities by adopting measures in accordance with the guidance provided by the ILO code of practice entitled *Ambient factors in the workplace*, 2001, and any subsequent revisions, taking account of the difference between exposure in those areas and in the workplace.

Guideline B4.3.4 – Obligations of shipowners

1. Any obligation on the shipowner to provide protective equipment or other accident prevention safeguards should, in general, be accompanied by provisions requiring their use by seafarers and by a requirement for seafarers to comply with the relevant accident prevention and health protection measures.

2. Account should also be taken of Articles 7 and 11 of the Guarding of Machinery Convention, 1963 (No. 119), and the corresponding provisions of the Guarding of Machinery Recommendation, 1963 (No. 118), under which the obligation to ensure compliance with the requirement that machinery in use is properly guarded, and its use without appropriate guards prevented, rests on the employer, while there is an obligation on the worker not to use machinery without the guards being in position nor to make inoperative the guards provided.

Guideline B4.3.5 – Reporting and collection of statistics

1. All occupational accidents and occupational injuries and diseases should be reported so that they can be investigated and comprehensive statistics can be kept, analysed and published, taking account of protection of the personal data of the seafarers concerned. Reports should not be limited to fatalities or to accidents involving the ship.

2. The statistics referred to in paragraph 1 of this Guideline should record the numbers, nature, causes and effects of occupational accidents and occupational injuries and diseases, with a clear indication, as applicable, of the department on board a ship, the type of accident and whether at sea or in port.

3. Each Member should have due regard to any international system or model for recording accidents to seafarers which may have been established by the International Labour Organization.

Guideline B4.3.6 – Investigations

1. The competent authority should undertake investigations into the causes and circumstances of all occupational accidents and occupational injuries and diseases resulting in loss of life or serious personal injury, and such other cases as may be specified in national laws or regulations.

2. Consideration should be given to including the following as subjects of investigation:
- (a) working environment, such as working surfaces, layout of machinery, means of access, lighting and methods of work;

- (b) incidence in different age groups of occupational accidents and occupational injuries and diseases;
- (c) special physiological or psychological problems created by the shipboard environment;
- (d) problems arising from physical stress on board a ship, in particular as a consequence of increased workload;
- (e) problems arising from and effects of technical developments and their influence on the composition of crews; and
- (f) problems arising from any human failures.

Guideline B4.3.7 – National protection and prevention programmes

1. In order to provide a sound basis for measures to promote occupational safety and health protection and prevention of accidents, injuries and diseases which are due to particular hazards of maritime employment, research should be undertaken into general trends and into such hazards as are revealed by statistics.

2. The implementation of protection and prevention programmes for the promotion of occupational safety and health should be so organized that the competent authority, shipowners and seafarers or their representatives and other appropriate bodies may play an active role, including through such means as information sessions, on-board guidelines on maximum exposure levels to potentially harmful ambient workplace factors and other hazards or outcomes of a systematic risk evaluation process. In particular, national or local joint occupational safety and health protection and accident prevention committees or ad hoc working parties and on-board committees, on which shipowners' and seafarers' organizations concerned are represented, should be established.

3. Where such activity takes place at company level, the representation of seafarers on any safety committee on board that shipowner's ships should be considered.

Guideline B4.3.8 – Content of protection and prevention programmes

1. Consideration should be given to including the following in the functions of the committees and other bodies referred to in Guideline B4.3.7, paragraph 2:

- (a) the preparation of national guidelines and policies for occupational safety and health management systems and for accident prevention provisions, rules and manuals;
- (b) the organization of occupational safety and health protection and accident prevention training and programmes;
- (c) the organization of publicity on occupational safety and health protection and accident prevention, including films, posters, notices and brochures; and
- (d) the distribution of literature and information on occupational safety and health protection and accident prevention so that it reaches seafarers on board ships.

2. Relevant provisions or recommendations adopted by the appropriate national authorities or organizations or international organizations should be taken into account by those preparing texts of occupational safety and health protection and accident prevention measures or recommended practices.

3. In formulating occupational safety and health protection and accident prevention programmes, each Member should have due regard to any code of practice concerning the safety and health of seafarers which may have been published by the International Labour Organization.

Guideline B4.3.9 – Instruction in occupational safety and health protection and the prevention of occupational accidents

1. The curriculum for the training referred to in Standard A4.3, paragraph 1(a), should be reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in manning practices, nationality, language and the organization of work on board ships.

2. There should be continuous occupational safety and health protection and accident prevention publicity. Such publicity might take the following forms:

- (a) educational audiovisual material, such as films, for use in vocational training centres for seafarers and where possible shown on board ships;

- (b) display of posters on board ships;
- (c) inclusion in periodicals read by seafarers of articles on the hazards of maritime employment and on occupational safety and health protection and accident prevention measures; and
- (d) special campaigns using various publicity media to instruct seafarers, including campaigns on safe working practices.

3. The publicity referred to in paragraph 2 of this Guideline should take account of the different nationalities, languages and cultures of seafarers on board ships.

Guideline B4.3.10 – Safety and health education of young seafarers

1. Safety and health regulations should refer to any general provisions on medical examinations before and during employment and on the prevention of accidents and the protection of health in employment, which may be applicable to the work of seafarers. Such regulations should specify measures which will minimize occupational dangers to young seafarers in the course of their duties.

2. Except where a young seafarer is recognized as fully qualified in a pertinent skill by the competent authority, the regulations should specify restrictions on young seafarers undertaking, without appropriate supervision and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill. In determining the types of work to be restricted by the regulations, the competent authority might consider in particular work involving:

- (a) the lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise and vibration levels;
- (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
- (e) handling mooring or tow lines or anchoring equipment;
- (f) rigging;
- (g) work aloft or on deck in heavy weather;
- (h) nightwatch duties;
- (i) servicing of electrical equipment;
- (j) exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
- (k) the cleaning of catering machinery; and
- (l) the handling or taking charge of ships' boats.

3. Practical measures should be taken by the competent authority or through the appropriate machinery to bring to the attention of young seafarers information concerning the prevention of accidents and the protection of their health on board ships. Such measures could include adequate instruction in courses, official accident prevention publicity intended for young persons and professional instruction and supervision of young seafarers.

4. Education and training of young seafarers both ashore and on board ships should include guidance on the detrimental effects on their health and well-being of the abuse of alcohol and drugs and other potentially harmful substances, and the risk and concerns relating to HIV/AIDS and of other health risk related activities.

Guideline B4.3.11 – International cooperation

1. Members, with the assistance as appropriate of intergovernmental and other international organizations, should endeavour, in cooperation with each other, to achieve the greatest possible uniformity of action for the promotion of occupational safety and health protection and prevention of accidents.

2. In developing programmes for promoting occupational safety and health protection and prevention of accidents under Standard A4.3, each Member should have due regard to relevant codes of practice published by the International Labour Organization and the appropriate standards of international organizations.

3. Members should have regard to the need for international cooperation in the continuous promotion of activity related to occupational safety and health protection and prevention of occupational accidents. Such cooperation might take the form of:

- (a) bilateral or multilateral arrangements for uniformity in occupational safety and health protection and accident prevention standards and safeguards;
- (b) exchange of information on particular hazards affecting seafarers and on means of promoting occupational safety and health protection and preventing accidents;
- (c) assistance in testing of equipment and inspection according to the national regulations of the flag State;
- (d) collaboration in the preparation and dissemination of occupational safety and health protection and accident prevention provisions, rules or manuals;
- (e) collaboration in the production and use of training aids; and
- (f) joint facilities for, or mutual assistance in, the training of seafarers in occupational safety and health protection, accident prevention and safe working practices.

Regulation 4.4 – Access to shore-based welfare facilities

Purpose: To ensure that seafarers working on board a ship have access to shore-based facilities and services to secure their health and well-being

1. Each Member shall ensure that shore-based welfare facilities, where they exist, are easily accessible. The Member shall also promote the development of welfare facilities, such as those listed in the Code, in designated ports to provide seafarers on ships that are in its ports with access to adequate welfare facilities and services.

2. The responsibilities of each Member with respect to shore-based facilities, such as welfare, cultural, recreational and information facilities and services, are set out in the Code.

Standard A4.4 – Access to shore-based welfare facilities

1. Each Member shall require, where welfare facilities exist on its territory, that they are available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work.

2. Each Member shall promote the development of welfare facilities in appropriate ports of the country and determine, after consultation with the shipowners' and seafarers' organizations concerned, which ports are to be regarded as appropriate.

3. Each Member shall encourage the establishment of welfare boards which shall regularly review welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

Guideline B4.4 – Access to shore-based welfare facilities

Guideline B4.4.1 – Responsibilities of Members

1. Each Member should:

- (a) take measures to ensure that adequate welfare facilities and services are provided for seafarers in designated ports of call and that adequate protection is provided to seafarers in the exercise of their profession; and
- (b) take into account, in the implementation of these measures, the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.

2. Arrangements for the supervision of welfare facilities and services should include participation by representative shipowners' and seafarers' organizations concerned.

3. Each Member should take measures designed to expedite the free circulation among ships, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centres ashore.

4. Members should cooperate with one another in promoting the welfare of seafarers at sea and in port. Such cooperation should include the following:

- (a) consultations among competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ships;
- (b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;
- (c) organization of international sports competitions and encouragement of the participation of seafarers in sports activities; and
- (d) organization of international seminars on the subject of welfare of seafarers at sea and in port.

Guideline B4.4.2 – Welfare facilities and services in ports

1. Each Member should provide or ensure the provision of such welfare facilities and services as may be required, in appropriate ports of the country.

2. Welfare facilities and services should be provided, in accordance with national conditions and practice, by one or more of the following:

- (a) public authorities;
- (b) shipowners' and seafarers' organizations concerned under collective agreements or other agreed arrangements; and
- (c) voluntary organizations.

3. Necessary welfare and recreational facilities should be established or developed in ports. These should include:

- (a) meeting and recreation rooms as required;
- (b) facilities for sports and outdoor facilities, including competitions;
- (c) educational facilities; and
- (d) where appropriate, facilities for religious observances and for personal counselling.

4. These facilities may be provided by making available to seafarers in accordance with their needs facilities designed for more general use.

5. Where large numbers of seafarers of different nationalities require facilities such as hotels, clubs and sports facilities in a particular port, the competent authorities or bodies of the countries of origin of the seafarers and of the flag States, as well as the international associations concerned, should consult and cooperate with the competent authorities and bodies of the country in which the port is situated and with one another, with a view to the pooling of resources and to avoiding unnecessary duplication.

6. Hotels or hostels suitable for seafarers should be available where there is need for them. They should provide facilities equal to those found in a good-class hotel, and should wherever possible be located in good surroundings away from the immediate vicinity of the docks. Such hotels or hostels should be properly supervised, the prices charged should be reasonable in amount and, where necessary and possible, provision should be made for accommodating seafarers' families.

7. These accommodation facilities should be open to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work. Without in any way infringing this principle, it may be necessary in certain ports to provide several types of facilities, comparable in standard but adapted to the customs and needs of different groups of seafarers.

8. Measures should be taken to ensure that, as necessary, technically competent persons are employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers.

Guideline B4.4.3 – Welfare boards

1. Welfare boards should be established, at the port, regional and national levels, as appropriate. Their functions should include:

- (a) keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of under-utilized facilities; and
- (b) assisting and advising those responsible for providing welfare facilities and ensuring coordination between them.

2. Welfare boards should include among their members representatives of ship owners' and seafarers' organizations, the competent authorities and, where appropriate, voluntary organizations and social bodies.

3. As appropriate, consuls of maritime States and local representatives of foreign welfare organizations should, in accordance with national laws and regulations, be associated with the work of port, regional and national welfare boards.

Guideline B4.4.4 – Financing of welfare facilities

1. In accordance with national conditions and practice, financial support for port welfare facilities should be made available through one or more of the following:

- (a) grants from public funds;
- (b) levies or other special dues from shipping sources;
- (c) voluntary contributions from shipowners, seafarers, or their organizations; and
- (d) voluntary contributions from other sources.

2. Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised.

Guideline B4.4.5 – Dissemination of information and facilitation measures

1. Information should be disseminated among seafarers concerning facilities open to the general public in ports of call, particularly transport, welfare, entertainment and educational facilities and places of worship, as well as facilities provided specifically for seafarers.

2. Adequate means of transport at moderate prices should be available at any reasonable time in order to enable seafarers to reach urban areas from convenient locations in the port.

3. All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardize their freedom.

4. Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers.

Guideline B4.4.6 – Seafarers in a foreign port

1. For the protection of seafarers in foreign ports, measures should be taken to facilitate:

- (a) access to consuls of their State of nationality or State of residence; and
- (b) effective cooperation between consuls and the local or national authorities.

2. Seafarers who are detained in a foreign port should be dealt with promptly under due process of law and with appropriate consular protection.

3. Whenever a seafarer is detained for any reason in the territory of a Member, the competent authority should, if the seafarer so requests, immediately inform the flag State and the State of nationality of the seafarer. The competent authority should promptly inform the seafarer of the right to make such a request. The State of nationality of the seafarer should promptly notify the seafarer's next of kin. The competent authority should allow consular officers of these States immediate access to the seafarer and regular visits thereafter so long as the seafarer is detained.

4. Each Member should take measures, whenever necessary, to ensure the safety of seafarers from aggression and other unlawful acts while ships are in their territorial waters and especially in approaches to ports.

5. Every effort should be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.

Regulation 4.5 – Social security

Purpose: To ensure that measures are taken with a view to providing seafarers with access to social security protection

1. Each Member shall ensure that all seafarers and, to the extent provided for in its national law, their dependants have access to social security protection in accordance with the Code without prejudice however to any more favourable conditions referred to in paragraph 8 of article 19 of the Constitution.

2. Each Member undertakes to take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers.

3. Each Member shall ensure that seafarers who are subject to its social security legislation, and, to the extent provided for in its national law, their dependants, are entitled to benefit from social security protection no less favourable than that enjoyed by shoreworkers.

Standard A4.5 – Social security

1. The branches to be considered with a view to achieving progressively comprehensive social security protection under Regulation 4.5 are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit, complementing the protection provided for under Regulations 4.1, on medical care, and 4.2, on shipowners' liability, and under other titles of this Convention.

2. At the time of ratification, the protection to be provided by each Member in accordance with Regulation 4.5, paragraph 1, shall include at least three of the nine branches listed in paragraph 1 of this Standard.

3. Each Member shall take steps according to its national circumstances to provide the complementary social security protection referred to in paragraph 1 of this Standard to all seafarers ordinarily resident in its territory. This responsibility could be satisfied, for example, through appropriate bilateral or multilateral agreements or contribution-based systems. The resulting protection shall be no less favourable than that enjoyed by shoreworkers resident in their territory.

4 Notwithstanding the attribution of responsibilities in paragraph 3 of this Standard, Members may determine, through bilateral and multilateral agreements and through provisions adopted in the framework of regional economic integration organizations, other rules concerning the social security legislation to which seafarers are subject.

5. Each Member's responsibilities with respect to seafarers on ships that fly its flag shall include those provided for by Regulations 4.1 and 4.2 and the related provisions of the Code, as well as those that are inherent in its general obligations under international law.

6. Each Member shall give consideration to the various ways in which comparable benefits will, in accordance with national law and practice, be provided to seafarers in the absence of adequate coverage in the branches referred to in paragraph 1 of this Standard.

7. The protection under Regulation 4.5, paragraph 1, may, as appropriate, be contained in laws or regulations, in private schemes or in collective bargaining agreements or in a combination of these.

8. To the extent consistent with their national law and practice, Members shall cooperate, through bilateral or multilateral agreements or other arrangements, to ensure the maintenance of social security rights, provided through contributory or non-contributory schemes, which have been acquired, or are in the course of acquisition, by all seafarers regardless of residence.

9. Each Member shall establish fair and effective procedures for the settlement of disputes.

10. Each Member shall at the time of ratification specify the branches for which protection is provided in accordance with paragraph 2 of this Standard. It shall subsequently notify the Director-General of the International Labour Office when it provides social security protection in respect of one or more other branches stated in paragraph 1 of this Standard. The Director-General shall maintain a register of this information and shall make it available to all interested parties.

11. The reports to the International Labour Office pursuant to article 22 of the Constitution, shall also include information regarding steps taken in accordance with Regulation 4.5, paragraph 2, to extend protection to other branches.

Guideline B4.5 – Social security

1. The protection to be provided at the time of ratification in accordance with Standard A4.5, paragraph 2, should at least include the branches of medical care, sickness benefit and employment injury benefit.

2. In the circumstances referred to in Standard A4.5, paragraph 6, comparable benefits may be provided through insurance, bilateral and multilateral agreements or other effective means, taking

into consideration the provisions of relevant collective bargaining agreements. Where such measures are adopted, seafarers covered by such measures should be advised of the means by which the various branches of social security protection will be provided.

3. Where seafarers are subject to more than one national legislation covering social security, the Members concerned should cooperate in order to determine by mutual agreement which legislation is to apply, taking into account such factors as the type and level of protection under the respective legislations which is more favourable to the seafarer concerned as well as the seafarer's preference.

4. The procedures to be established under Standard A4.5, paragraph 9, should be designed to cover all disputes relevant to the claims of the seafarers concerned, irrespective of the manner in which the coverage is provided.

5. Each Member which has national seafarers, non-national seafarers or both serving on ships that fly its flag should provide the social security protection in the Convention as applicable, and should periodically review the branches of social security protection in Standard A4.5, paragraph 1, with a view to identifying any additional branches appropriate for the seafarers concerned.

6. The seafarers' employment agreement should identify the means by which the various branches of social security protection will be provided to the seafarer by the shipowner as well as any other relevant information at the disposal of the shipowner, such as statutory deductions from the seafarers' wages and shipowners' contributions which may be made in accordance with the requirements of identified authorized bodies pursuant to relevant national social security schemes.

7. The Member whose flag the ship flies should, in effectively exercising its jurisdiction over social matters, satisfy itself that the shipowners' responsibilities concerning social security protection are met, including making the required contributions to social security schemes.

Title 5. Compliance and enforcement

1. The Regulations in this Title specify each Member's responsibility to fully implement and enforce the principles and rights set out in the Articles of this Convention as well as the particular obligations provided for under its Titles 1, 2, 3 and 4.

2. Paragraphs 3 and 4 of Article VI, which permit the implementation of Part A of the Code through substantially equivalent provisions, do not apply to Part A of the Code in this Title.

3. In accordance with paragraph 2 of Article VI, each Member shall implement its responsibilities under the Regulations in the manner set out in the corresponding Standards of Part A of the Code, giving due consideration to the corresponding Guidelines in Part B of the Code.

4. The provisions of this Title shall be implemented bearing in mind that seafarers and shipowners, like all other persons, are equal before the law and are entitled to the equal protection of the law and shall not be subject to discrimination in their access to courts, tribunals or other dispute resolution mechanisms. The provisions of this Title do not determine legal jurisdiction or a legal venue.

Regulation 5.1 – Flag State responsibilities

Purpose: To ensure that each Member implements its responsibilities under this Convention with respect to ships that fly its flag

Regulation 5.1.1 – General principles

1. Each Member is responsible for ensuring implementation of its obligations under this Convention on ships that fly its flag.

2. Each Member shall establish an effective system for the inspection and certification of maritime labour conditions, in accordance with Regulations 5.1.3 and 5.1.4 ensuring that the working and living conditions for seafarers on ships that fly its flag meet, and continue to meet, the standards in this Convention.

3. In establishing an effective system for the inspection and certification of maritime labour conditions, a Member may, where appropriate, authorize public institutions or other organizations (including those of another Member, if the latter agrees) which it recognizes as competent and independent to carry out inspections or to issue certificates or to do both. In all cases, the Member shall

remain fully responsible for the inspection and certification of the working and living conditions of the seafarers concerned on ships that fly its flag.

4. A maritime labour certificate, complemented by a declaration of maritime labour compliance, shall constitute prima facie evidence that the ship has been duly inspected by the Member whose flag it flies and that the requirements of this Convention relating to working and living conditions of the seafarers have been met to the extent so certified.

5. Information about the system referred to in paragraph 2 of this Regulation, including the method used for assessing its effectiveness, shall be included in the Member's reports to the International Labour Office pursuant to article 22 of the Constitution.

Standard A5.1.1 – General principles

1. Each Member shall establish clear objectives and standards covering the administration of its inspection and certification systems, as well as adequate overall procedures for its assessment of the extent to which those objectives and standards are being attained.

2. Each Member shall require all ships that fly its flag to have a copy of this Convention available on board.

Guideline B5.1.1 – General principles

1. The competent authority should make appropriate arrangements to promote effective cooperation between public institutions and other organizations, referred to in Regulations 5.1.1 and 5.1.2, concerned with seafarers' shipboard working and living conditions.

2. In order to better ensure cooperation between inspectors and shipowners, seafarers and their respective organizations, and to maintain or improve seafarers' working and living conditions, the competent authority should consult the representatives of such organizations at regular intervals as to the best means of attaining these ends. The manner of such consultation should be determined by the competent authority after consulting with shipowners' and seafarers' organizations.

Regulation 5.1.2 – Authorization of recognized organizations

1. The public institutions or other organizations referred to in paragraph 3 of Regulation 5.1.1 ("recognized organizations") shall have been recognized by the competent authority as meeting the requirements in the Code regarding competency and independence. The inspection or certification functions which the recognized organizations may be authorized to carry out shall come within the scope of the activities that are expressly mentioned in the Code as being carried out by the competent authority or a recognized organization.

2. The reports referred to in paragraph 5 of Regulation 5.1.1 shall contain information regarding any recognized organization, the extent of authorizations given and the arrangements made by the Member to ensure that the authorized activities are carried out completely and effectively.

Standard A5.1.2 – Authorization of recognized organizations

1. For the purpose of recognition in accordance with paragraph 1 of Regulation 5.1.2, the competent authority shall review the competency and independence of the organization concerned and determine whether the organization has demonstrated, to the extent necessary for carrying out the activities covered by the authorization conferred on it, that the organization:

- (a) has the necessary expertise in the relevant aspects of this Convention and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;
- (b) has the ability to maintain and update the expertise of its personnel;
- (c) has the necessary knowledge of the requirements of this Convention as well as of applicable national laws and regulations and relevant international instruments; and
- (d) is of the appropriate size, structure, experience and capability commensurate with the type and degree of authorization.

2. Any authorizations granted with respect to inspections shall, as a minimum, empower the recognized organization to require the rectification of deficiencies that it identifies in seafarers' working and living conditions and to carry out inspections in this regard at the request of a port State.

3. Each Member shall establish:

- (a) a system to ensure the adequacy of work performed by recognized organizations, which includes information on all applicable national laws and regulations and relevant international instruments; and
- (b) procedures for communication with and oversight of such organizations.

4. Each Member shall provide the International Labour Office with a current list of any recognized organizations authorized to act on its behalf and it shall keep this list up to date. The list shall specify the functions that the recognized organizations have been authorized to carry out. The Office shall make the list publicly available.

Guideline B5.1.2 – Authorization of recognized organizations

1. The organization seeking recognition should demonstrate the technical, administrative and managerial competence and capacity to ensure the provision of timely service of satisfactory quality.

2. In evaluating the capability of an organization, the competent authority should determine whether the organization:

- (a) has adequate technical, managerial and support staff;
- (b) has sufficient qualified professional staff to provide the required service, representing an adequate geographical coverage;
- (c) has proven ability to provide a timely service of satisfactory quality; and
- (d) is independent and accountable in its operations.

3. The competent authority should conclude a written agreement with any organization that it recognizes for purposes of an authorization. The agreement should include the following elements:

- (a) scope of application;
- (b) purpose;
- (c) general conditions;
- (d) the execution of functions under authorization;
- (e) legal basis of the functions under authorization;
- (f) reporting to the competent authority;
- (g) specification of the authorization from the competent authority to the recognized organization; and
- (h) the competent authority's supervision of activities delegated to the recognized organization.

4. Each Member should require the recognized organizations to develop a system for qualification of staff employed by them as inspectors to ensure the timely updating of their knowledge and expertise.

5. Each Member should require the recognized organizations to maintain records of the services performed by them such that they are able to demonstrate achievement of the required standards in the items covered by the services.

6. In establishing the oversight procedures referred to in Standard A5.1.2, paragraph 3(b), each Member should take into account the *Guidelines for the Authorization of Organizations Acting on Behalf of the Administration*, adopted in the framework of the International Maritime Organization.

Regulation 5.1.3 – Maritime labour certificate and declaration of maritime labour compliance

1. This Regulation applies to ships of:

- (a) 500 gross tonnage or over, engaged in international voyages; and
- (b) 500 gross tonnage or over, flying the flag of a Member and operating from a port, or between ports, in another country.

For the purpose of this Regulation, "international voyage" means a voyage from a country to a port outside such a country.

2. This Regulation also applies to any ship that flies the flag of a Member and is not covered by paragraph 1 of this Regulation, at the request of the shipowner to the Member concerned.

3. Each Member shall require ships that fly its flag to carry and maintain a maritime labour certificate certifying that the working and living conditions of seafarers on the ship, including measures

for ongoing compliance to be included in the declaration of maritime labour compliance referred to in paragraph 4 of this Regulation, have been inspected and meet the requirements of national laws or regulations or other measures implementing this Convention.

4. Each Member shall require ships that fly its flag to carry and maintain a declaration of maritime labour compliance stating the national requirements implementing this Convention for the working and living conditions for seafarers and setting out the measures adopted by the shipowner to ensure compliance with the requirements on the ship or ships concerned.

5. The maritime labour certificate and the declaration of maritime labour compliance shall conform to the model prescribed by the Code.

6. Where the competent authority of the Member or a recognized organization duly authorized for this purpose has ascertained through inspection that a ship that flies the Member's flag meets or continues to meet the standards of this Convention, it shall issue or renew a maritime labour certificate to that effect and maintain a publicly available record of that certificate.

7. Detailed requirements for the maritime labour certificate and the declaration of maritime labour compliance, including a list of the matters that must be inspected and approved, are set out in Part A of the Code.

Standard A5.1.3 – Maritime labour certificate and declaration of maritime labour compliance

1. The maritime labour certificate shall be issued to a ship by the competent authority, or by a recognized organization duly authorized for this purpose, for a period which shall not exceed five years. A list of matters that must be inspected and found to meet national laws and regulations or other measures implementing the requirements of this Convention regarding the working and living conditions of seafarers on ships before a maritime labour certificate can be issued is found in Appendix A5-I.

2. The validity of the maritime labour certificate shall be subject to an intermediate inspection by the competent authority, or by a recognized organization duly authorized for this purpose, to ensure continuing compliance with the national requirements implementing this Convention. If only one intermediate inspection is carried out and the period of validity of the certificate is five years, it shall take place between the second and third anniversary dates of the certificate. Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labour certificate. The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the certificate. The certificate shall be endorsed following satisfactory intermediate inspection.

3. Notwithstanding paragraph 1 of this Standard, when the renewal inspection has been completed within three months before the expiry of the existing maritime labour certificate, the new maritime labour certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing certificate.

4. When the renewal inspection is completed more than three months before the expiry date of the existing maritime labour certificate, the new maritime labour certificate shall be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.

5. A maritime labour certificate may be issued on an interim basis:

- (a) to new ships on delivery;
- (b) when a ship changes flag; or
- (c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

6. An interim maritime labour certificate may be issued for a period not exceeding six months by the competent authority or a recognized organization duly authorized for this purpose.

7. An interim maritime labour certificate may only be issued following verification that:

- (a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I, taking into account verification of items under subparagraphs (b), (c) and (d) of this paragraph;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with this Convention;

- (c) the master is familiar with the requirements of this Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a declaration of maritime labour compliance.

8. A full inspection in accordance with paragraph 1 of this Standard shall be carried out prior to expiry of the interim certificate to enable issue of the full-term maritime labour certificate. No further interim certificate may be issued following the initial six months referred to in paragraph 6 of this Standard. A declaration of maritime labour compliance need not be issued for the period of validity of the interim certificate.

9. The maritime labour certificate, the interim maritime labour certificate and the declaration of maritime labour compliance shall be drawn up in the form corresponding to the models given in Appendix A5-II.

10. The declaration of maritime labour compliance shall be attached to the maritime labour certificate. It shall have two parts:

- (a) Part I shall be drawn up by the competent authority which shall: (i) identify the list of matters to be inspected in accordance with paragraph 1 of this Standard; (ii) identify the national requirements embodying the relevant provisions of this Convention by providing a reference to the relevant national legal provisions as well as, to the extent necessary, concise information on the main content of the national requirements; (iii) refer to ship-type specific requirements under national legislation; (iv) record any substantially equivalent provisions adopted pursuant to paragraph 3 of Article VI; and (v) clearly indicate any exemption granted by the competent authority as provided in Title 3; and
- (b) Part II shall be drawn up by the shipowner and shall identify the measures adopted to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement.

The competent authority or recognized organization duly authorized for this purpose shall certify Part II and shall issue the declaration of maritime labour compliance.

11. The results of all subsequent inspections or other verifications carried out with respect to the ship concerned and any significant deficiencies found during any such verification shall be recorded, together with the date when the deficiencies were found to have been remedied. This record, accompanied by an English-language translation where it is not in English, shall, in accordance with national laws or regulations, be inscribed upon or appended to the declaration of maritime labour compliance or made available in some other way to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

12. A current valid maritime labour certificate and declaration of maritime labour compliance, accompanied by an English-language translation where it is not in English, shall be carried on the ship and a copy shall be posted in a conspicuous place on board where it is available to the seafarers. A copy shall be made available in accordance with national laws and regulations, upon request, to seafarers, flag State inspectors, authorized officers in port States, and shipowners' and seafarers' representatives.

13. The requirement for an English-language translation in paragraphs 11 and 12 of this Standard does not apply in the case of a ship not engaged in an international voyage.

14. A certificate issued under paragraph 1 or 5 of this Standard shall cease to be valid in any of the following cases:

- (a) if the relevant inspections are not completed within the periods specified under paragraph 2 of this Standard;
- (b) if the certificate is not endorsed in accordance with paragraph 2 of this Standard;
- (c) when a ship changes flag;
- (d) when a shipowner ceases to assume the responsibility for the operation of a ship; and
- (e) when substantial changes have been made to the structure or equipment covered in Title 3.

15. In the case referred to in paragraph 14(c), (d) or (e) of this Standard, a new certificate shall only be issued when the competent authority or recognized organization issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of this Standard.

16. A maritime labour certificate shall be withdrawn by the competent authority or the recognized organization duly authorized for this purpose by the flag State, if there is evidence that the ship concerned does not comply with the requirements of this Convention and any required corrective action has not been taken.

17. When considering whether a maritime labour certificate should be withdrawn in accordance with paragraph 16 of this Standard, the competent authority or the recognized organization shall take into account the seriousness or the frequency of the deficiencies.

Guideline B5.1.3 – Maritime labour certificate and declaration
of maritime labour compliance

1. The statement of national requirements in Part I of the declaration of maritime labour compliance should include or be accompanied by references to the legislative provisions relating to seafarers' working and living conditions in each of the matters listed in Appendix A5-I. Where national legislation precisely follows the requirements stated in this Convention, a reference may be all that is necessary. Where a provision of the Convention is implemented through substantial equivalence as provided under Article VI, paragraph 3, this provision should be identified and a concise explanation should be provided. Where an exemption is granted by the competent authority as provided in Title 3, the particular provision or provisions concerned should be clearly indicated.

2. The measures referred to in Part II of the declaration of maritime labour compliance, drawn up by the shipowner, should, in particular, indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted. Part II may take a number of forms. It could make reference to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, for example documents required by the *International Safety Management (ISM) Code* or the information required by Regulation 5 of the SOLAS Convention, Chapter XI-1 relating to the ship's Continuous Synopsis Record.

3. The measures to ensure ongoing compliance should include general international requirements for the shipowner and master to keep themselves informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work, and to inform the seafarers' representatives accordingly, thereby guaranteeing a better level of protection of the seafarers' working and living conditions on board.

4. The declaration of maritime labour compliance should, above all, be drafted in clear terms designed to help all persons concerned, such as flag State inspectors, authorized officers in port States and seafarers, to check that the requirements are being properly implemented.

5. An example of the kind of information that might be contained in a declaration of maritime labour compliance is given in Appendix B5-I.

6. When a ship changes flag as referred to in Standard A5.1.3, paragraph 14(c), and where both States concerned have ratified this Convention, the Member whose flag the ship was formerly entitled to fly should, as soon as possible, transmit to the competent authority of the other Member copies of the maritime labour certificate and the declaration of maritime labour compliance carried by the ship before the change of flag and, if applicable, copies of the relevant inspection reports if the competent authority so requests within three months after the change of flag has taken place.

Regulation 5.1.4 – Inspection and enforcement

1. Each Member shall verify, through an effective and coordinated system of regular inspections, monitoring and other control measures, that ships that fly its flag comply with the requirements of this Convention as implemented in national laws and regulations.

2. Detailed requirements regarding the inspection and enforcement system referred to in paragraph 1 of this Regulation are set out in Part A of the Code.

Standard A5.1.4 – Inspection and enforcement

1. Each Member shall maintain a system of inspection of the conditions for seafarers on ships that fly its flag which shall include verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed, and that the requirements of this Convention are met.

2. The competent authority shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under paragraph 1 of this Standard. Where recognized organizations have been authorized to carry out inspections, the Member shall require that personnel carrying out the inspection are qualified to undertake these duties and shall provide them with the necessary legal authority to perform their duties.

3. Adequate provision shall be made to ensure that the inspectors have the training, competence, terms of reference, powers, status and independence necessary or desirable so as to enable them to carry out the verification and ensure the compliance referred to in paragraph 1 of this Standard.

4. Inspections shall take place at the intervals required by Standard A5.1.3, where applicable. The interval shall in no case exceed three years.

5. If a Member receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of this Convention or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance, the Member shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.

6. Adequate rules shall be provided and effectively enforced by each Member in order to guarantee that inspectors have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences.

7. Inspectors, issued with clear guidelines as to the tasks to be performed and provided with proper credentials, shall be empowered:

- (a) to board a ship that flies the Member's flag;
- (b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the standards are being strictly observed; and
- (c) to require that any deficiency is remedied and, where they have grounds to believe that deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, to prohibit a ship from leaving port until necessary actions are taken.

8. Any action taken pursuant to paragraph 7(c) of this Standard shall be subject to any right of appeal to a judicial or administrative authority.

9. Inspectors shall have the discretion to give advice instead of instituting or recommending proceedings when there is no clear breach of the requirements of this Convention that endangers the safety, health or security of the seafarers concerned and where there is no prior history of similar breaches.

10. Inspectors shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

11. Inspectors shall not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties. In particular, inspectors shall:

- (a) be prohibited from having any direct or indirect interest in any operation which they are called upon to inspect; and
- (b) subject to appropriate sanctions or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties.

12. Inspectors shall submit a report of each inspection to the competent authority. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers and, upon request, sent to their representatives.

13. The competent authority of each Member shall maintain records of inspections of the conditions for seafarers on ships that fly its flag. It shall publish an annual report on inspection activities within a reasonable time, not exceeding six months, after the end of the year.

14. In the case of an investigation pursuant to a major incident, the report shall be submitted to the competent authority as soon as practicable, but not later than one month following the conclusion of the investigation.

15. When an inspection is conducted or when measures are taken under this Standard, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

16. Compensation shall be payable in accordance with national laws and regulations for any loss or damage suffered as a result of the wrongful exercise of the inspectors' powers. The burden of proof in each case shall be on the complainant.

17. Adequate penalties and other corrective measures for breaches of the requirements of this Convention (including seafarers' rights) and for obstructing inspectors in the performance of their duties shall be provided for and effectively enforced by each Member.

Guideline B5.1.4 – Inspection and enforcement

1. The competent authority and any other service or authority wholly or partly concerned with the inspection of seafarers' working and living conditions should have the resources necessary to fulfil their functions. In particular:

- (a) each Member should take the necessary measures so that duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of inspectors; and
- (b) inspectors should be provided with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.

2. The competent authority should develop a compliance and enforcement policy to ensure consistency and otherwise guide inspection and enforcement activities related to this Convention. Copies of this policy should be provided to all inspectors and relevant law-enforcement officials and should be made available to the public and shipowners and seafarers.

3. The competent authority should establish simple procedures to enable it to receive information in confidence concerning possible breaches of the requirements of this Convention (including seafarers' rights) presented by seafarers directly or by representatives of the seafarers, and permit inspectors to investigate such matters promptly, including:

- (a) enabling masters, seafarers or representatives of the seafarers to request an inspection when they consider it necessary; and
- (b) supplying technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the requirements of this Convention and of bringing about a continual improvement in seafarers' on-board conditions.

4. Inspectors should be fully trained and sufficient in numbers to secure the efficient discharge of their duties with due regard to:

- (a) the importance of the duties which the inspectors have to perform, in particular the number, nature and size of ships subject to inspection and the number and complexity of the legal provisions to be enforced;
- (b) the resources placed at the disposal of the inspectors; and
- (c) the practical conditions under which inspections must be carried out in order to be effective.

5. Subject to any conditions for recruitment to the public service which may be prescribed by national laws and regulations, inspectors should have qualifications and adequate training to perform their duties and where possible should have a maritime education or experience as a seafarer. They should have adequate knowledge of seafarers' working and living conditions and of the English language.

6. Measures should be taken to provide inspectors with appropriate further training during their employment.

7. All inspectors should have a clear understanding of the circumstances in which an inspection should be carried out, the scope of the inspection to be carried out in the various circumstances referred to and the general method of inspection.

8. Inspectors provided with proper credentials under the national law should at a minimum be empowered:

- (a) to board ships freely and without previous notice; however, when commencing the ship inspection, inspectors should provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives;
- (b) to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the requirements under laws and regulations, in the presence of any witness that the person may have requested;
- (c) to require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with the national laws and regulations implementing this Convention;
- (d) to enforce the posting of notices required under the national laws and regulations implementing this Convention;
- (e) to take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled;
- (f) following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master, deficiencies which may affect the health and safety of those on board ship;
- (g) to alert the competent authority and, if applicable, the recognized organization to any deficiency or abuse not specifically covered by existing laws or regulations and submit proposals to them for the improvement of the laws or regulations; and
- (h) to notify the competent authority of any occupational injuries or diseases affecting seafarers in such cases and in such manner as may be prescribed by laws and regulations.

9. When a sample referred to in paragraph 8(e) of this Guideline is being taken or removed, the shipowner or the shipowner's representative, and where appropriate a seafarer, should be notified or should be present at the time the sample is taken or removed. The quantity of such a sample should be properly recorded by the inspector.

10. The annual report published by the competent authority of each Member, in respect of ships that fly its flag, should contain:

- (a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments which have come into effect during the year;
- (b) details of the organization of the system of inspection;
- (c) statistics of ships or other premises subject to inspection and of ships and other premises actually inspected;
- (d) statistics on all seafarers subject to its national laws and regulations;
- (e) statistics and information on violations of legislation, penalties imposed and cases of detention of ships; and
- (f) statistics on reported occupational injuries and diseases affecting seafarers.

Regulation 5.1.5 – On-board complaint procedures

1. Each Member shall require that ships that fly its flag have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this Convention (including seafarers' rights).

2. Each Member shall prohibit and penalize any kind of victimization of a seafarer for filing a complaint.

3. The provisions in this Regulation and related sections of the Code are without prejudice to a seafarer's right to seek redress through whatever legal means the seafarer considers appropriate.

Standard A5.1.5 – On-board complaint procedures

1. Without prejudice to any wider scope that may be given in national laws or regulations or collective agreements, the on-board procedures may be used by seafarers to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of this Convention (including seafarers' rights).

2. Each Member shall ensure that, in its laws or regulations, appropriate on board complaint procedures are in place to meet the requirements of Regulation 5.1.5. Such procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right

to complain directly to the master and, where they consider it necessary, to appropriate external authorities.

3. The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. The term “victimization” covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

4. In addition to a copy of their seafarers’ employment agreement, all seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship. This shall include contact information for the competent authority in the flag State and, where different, in the seafarers’ country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.

Guideline B5.1.5 – On-board complaint procedures

1. Subject to any relevant provisions of an applicable collective agreement, the competent authority should, in close consultation with shipowners’ and seafarers’ organizations, develop a model for fair, expeditious and well-documented on-board complaint-handling procedures for all ships that fly the Member’s flag. In developing these procedures the following matters should be considered:

- (a) many complaints may relate specifically to those individuals to whom the complaint is to be made or even to the master of the ship. In all cases seafarers should also be able to complain directly to the master and to make a complaint externally; and
- (b) in order to help avoid problems of victimization of seafarers making complaints about matters under this Convention, the procedures should encourage the nomination of a person on board who can advise seafarers on the procedures available to them and, if requested by the complainant seafarer, also attend any meetings or hearings into the subject matter of the complaint.

2. At a minimum the procedures discussed during the consultative process referred to in paragraph 1 of this Guideline should include the following:

- (a) complaints should be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer’s superior officer;
- (b) the head of department or superior officer should then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;
- (c) if the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter may refer it to the master, who should handle the matter personally;
- (d) seafarers should at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned;
- (e) all complaints and the decisions on them should be recorded and a copy provided to the seafarer concerned;
- (f) if a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner, who should be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarers concerned or any person they may appoint as their representative; and
- (g) in all cases seafarers should have a right to file their complaints directly with the master and the shipowner and competent authorities.

Regulation 5.1.6 – Marine casualties

1. Each Member shall hold an official inquiry into any serious marine casualty, leading to injury or loss of life, that involves a ship that flies its flag. The final report of an inquiry shall normally be made public.

2. Members shall cooperate with each other to facilitate the investigation of serious marine casualties referred to in paragraph 1 of this Regulation.

Standard A5.1.6 – Marine casualties

(No provisions)

Guideline B5.1.6 – Marine casualties

(No provisions)

Regulation 5.2 – Port State responsibilities

Purpose: To enable each Member to implement its responsibilities under this Convention regarding international cooperation in the implementation and enforcement of the Convention standards on foreign ships

Regulation 5.2.1 – Inspections in port

1. Every foreign ship calling, in the normal course of its business or for operational reasons, in the port of a Member may be the subject of inspection in accordance with paragraph 4 of Article V for the purpose of reviewing compliance with the requirements of this Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship.

2. Each Member shall accept the maritime labour certificate and the declaration of maritime labour compliance required under Regulation 5.1.3 as prima facie evidence of compliance with the requirements of this Convention (including seafarers' rights). Accordingly, the inspection in its ports shall, except in the circumstances specified in the Code, be limited to a review of the certificate and declaration.

3. Inspections in a port shall be carried out by authorized officers in accordance with the provisions of the Code and other applicable international arrangements governing port State control inspections in the Member. Any such inspection shall be limited to verifying that the matter inspected is in conformity with the relevant requirements set out in the Articles and Regulations of this Convention and in Part A only of the Code.

4. Inspections that may be carried out in accordance with this Regulation shall be based on an effective port State inspection and monitoring system to help ensure that the working and living conditions for seafarers on ships entering a port of the Member concerned meet the requirements of this Convention (including seafarers' rights).

5. Information about the system referred to in paragraph 4 of this Regulation, including the method used for assessing its effectiveness, shall be included in the Member's reports pursuant to article 22 of the Constitution.

Standard A5.2.1 – Inspections in port

1. Where an authorized officer, having come on board to carry out an inspection and requested, where applicable, the maritime labour certificate and the declaration of maritime labour compliance, finds that:

- (a) the required documents are not produced or maintained or are falsely maintained or that the documents produced do not contain the information required by this Convention or are otherwise invalid; or
- (b) there are clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of this Convention; or
- (c) there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with this Convention; or
- (d) there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of this Convention;

a more detailed inspection may be carried out to ascertain the working and living conditions on board the ship. Such inspection shall in any case be carried out where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers or where the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights).

2. Where a more detailed inspection is carried out on a foreign ship in the port of a Member by authorized officers in the circumstances set out in subparagraph (a), (b) or (c) of paragraph 1 of this Standard, it shall in principle cover the matters listed in Appendix A5-III.

3. In the case of a complaint under paragraph 1(d) of this Standard, the inspection shall generally be limited to matters within the scope of the complaint, although a complaint, or its

investigation, may provide clear grounds for a detailed inspection in accordance with paragraph 1(b) of this Standard. For the purpose of paragraph 1(d) of this Standard, “complaint” means information submitted by a seafarer, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to seafarers on board.

4. Where, following a more detailed inspection, the working and living conditions on the ship are found not to conform to the requirements of this Convention, the authorized officer shall forthwith bring the deficiencies to the attention of the master of the ship, with required deadlines for their rectification. In the event that such deficiencies are considered by the authorized officer to be significant, or if they relate to a complaint made in accordance with paragraph 3 of this Standard, the authorized officer shall bring the deficiencies to the attention of the appropriate seafarers’ and shipowners’ organizations in the Member in which the inspection is carried out, and may:

- (a) notify a representative of the flag State;
- (b) provide the competent authorities of the next port of call with the relevant information.

5. The Member in which the inspection is carried out shall have the right to transmit a copy of the officer’s report, which must be accompanied by any reply received from the competent authorities of the flag State within the prescribed deadline, to the Director-General of the International Labour Office with a view to such action as may be considered appropriate and expedient in order to ensure that a record is kept of such information and that it is brought to the attention of parties which might be interested in availing themselves of relevant recourse procedures.

6. Where, following a more detailed inspection by an authorized officer, the ship is found not to conform to the requirements of this Convention and:

- (a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or
- (b) the non-conformity constitutes a serious or repeated breach of the requirements of this Convention (including seafarers’ rights);

the authorized officer shall take steps to ensure that the ship shall not proceed to sea until any non-conformities that fall within the scope of subparagraph (a) or (b) of this paragraph have been rectified, or until the authorized officer has accepted a plan of action to rectify such non-conformities and is satisfied that the plan will be implemented in an expeditious manner. If the ship is prevented from sailing, the authorized officer shall forthwith notify the flag State accordingly and invite a representative of the flag State to be present, if possible, requesting the flag State to reply within a prescribed deadline. The authorized officer shall also inform forthwith the appropriate shipowners’ and seafarers’ organizations in the port State in which the inspection was carried out.

7. Each Member shall ensure that its authorized officers are given guidance, of the kind indicated in Part B of the Code, as to the kinds of circumstances justifying detention of a ship under paragraph 6 of this Standard.

8. When implementing their responsibilities under this Standard, each Member shall make all possible efforts to avoid a ship being unduly detained or delayed. If a ship is found to be unduly detained or delayed, compensation shall be paid for any loss or damage suffered. The burden of proof in each case shall be on the complainant.

Guideline B5.2.1 – Inspections in port

1. The competent authority should develop an inspection policy for authorized officers carrying out inspections under Regulation 5.2.1. The objective of the policy should be to ensure consistency and to otherwise guide inspection and enforcement activities related to the requirements of this Convention (including seafarers’ rights). Copies of this policy should be provided to all authorized officers and should be available to the public and shipowners and seafarers.

2. When developing a policy relating to the circumstances warranting a detention of the ship under Standard A5.2.1, paragraph 6, of the competent authority should consider that, with respect to the breaches referred to in Standard A5.2.1, paragraph 6(b), the seriousness could be due to the nature of the deficiency concerned. This would be particularly relevant in the case of the violation of fundamental rights and principles or seafarers’ employment and social rights under Articles III and IV. For example, the employment of a person who is under age should be considered as a serious breach even if there is only one such person on board. In other cases, the number of different defects

found during a particular inspection should be taken into account: for example, several instances of defects relating to accommodation or food and catering which do not threaten safety or health might be needed before they should be considered as constituting a serious breach.

3. Members should cooperate with each other to the maximum extent possible in the adoption of internationally agreed guidelines on inspection policies, especially those relating to the circumstances warranting the detention of a ship.

Regulation 5.2.2 – Onshore seafarer complaint-handling procedures

1. Each Member shall ensure that seafarers on ships calling at a port in the Member's territory who allege a breach of the requirements of this Convention (including seafarers' rights) have the right to report such a complaint in order to facilitate a prompt and practical means of redress.

Standard A5.2.2 – Onshore seafarer complaint-handling procedures

1. A complaint by a seafarer alleging a breach of the requirements of this Convention (including seafarers' rights) may be reported to an authorized officer in the port at which the seafarer's ship has called. In such cases, the authorized officer shall undertake an initial investigation.

2. Where appropriate, given the nature of the complaint, the initial investigation shall include consideration of whether the on-board complaint procedures provided under Regulation 5.1.5 have been explored. The authorized officer may also conduct a more detailed inspection in accordance with Standard A5.2.1.

3. The authorized officer shall, where appropriate, seek to promote a resolution of the complaint at the ship-board level.

4. In the event that the investigation or the inspection provided under this Standard reveals a non-conformity that falls within the scope of paragraph 6 of Standard A5.2.1, the provisions of that paragraph shall be applied.

5. Where the provisions of paragraph 4 of this Standard do not apply, and the complaint has not been resolved at the ship-board level, the authorized officer shall forthwith notify the flag State, seeking, within a prescribed deadline, advice and a corrective plan of action.

6. Where the complaint has not been resolved following action taken in accordance with paragraph 5 of this Standard, the port State shall transmit a copy of the authorized officer's report to the Director-General. The report must be accompanied by any reply received within the prescribed deadline from the competent authority of the flag State. The appropriate shipowners' and seafarers' organizations in the port State shall be similarly informed. In addition, statistics and information regarding complaints that have been resolved shall be regularly submitted by the port State to the Director-General. Both such submissions are provided in order that, on the basis of such action as may be considered appropriate and expedient, a record is kept of such information and is brought to the attention of parties, including shipowners' and seafarers' organizations, which might be interested in availing themselves of relevant recourse procedures.

7. Appropriate steps shall be taken to safeguard the confidentiality of complaints made by seafarers.

Guideline B5.2.2 – Onshore seafarer complaint-handling procedures

1. Where a complaint referred to in Standard A5.2.2 is dealt with by an authorized officer, the officer should first check whether the complaint is of a general nature which concerns all seafarers on the ship, or a category of them, or whether it relates only to the individual case of the seafarer concerned.

2. If the complaint is of a general nature, consideration should be given to undertaking a more detailed inspection in accordance with Standard A5.2.1.

3. If the complaint relates to an individual case, an examination of the results of any on-board complaint procedures for the resolution of the complaint concerned should be undertaken. If such procedures have not been explored, the authorized officer should suggest that the complainant take advantage of any such procedures available. There should be good reasons for considering a complaint before any on-board complaint procedures have been explored. These would include the inadequacy of, or undue delay in, the internal procedures or the complainant's fear of reprisal for lodging a complaint.

4. In any investigation of a complaint, the authorized officer should give the master, the shipowner and any other person involved in the complaint a proper opportunity to make known their views.

5. In the event that the flag State demonstrates, in response to the notification by the port State in accordance with paragraph 5 of Standard A5.2.2, that it will handle the matter, and that it has in place effective procedures for this purpose and has submitted an acceptable plan of action, the authorized officer may refrain from any further involvement with the complaint.

Regulation 5.3 – Labour-supplying responsibilities

Purpose: To ensure that each Member implements its responsibilities under this Convention as pertaining to seafarer recruitment and placement and the social protection of its seafarers

1. Without prejudice to the principle of each Member's responsibility for the working and living conditions of seafarers on ships that fly its flag, the Member also has a responsibility to ensure the implementation of the requirements of this Convention regarding the recruitment and placement of seafarers as well as the social security protection of seafarers that are its nationals or are resident or are otherwise domiciled in its territory, to the extent that such responsibility is provided for in this Convention.

2. Detailed requirements for the implementation of paragraph 1 of this Regulation are found in the Code.

3. Each Member shall establish an effective inspection and monitoring system for enforcing its labour-supplying responsibilities under this Convention.

4. Information about the system referred to in paragraph 3 of this Regulation, including the method used for assessing its effectiveness, shall be included in the Member's reports pursuant to article 22 of the Constitution.

Standard A5.3 – Labour-supplying responsibilities

1. Each Member shall enforce the requirements of this Convention applicable to the operation and practice of seafarer recruitment and placement services established on its territory through a system of inspection and monitoring and legal proceedings for breaches of licensing and other operational requirements provided for in Standard A1.4.

Guideline B5.3 – Labour-supplying responsibilities

1. Private seafarer recruitment and placement services established in the Member's territory and securing the services of a seafarer for a shipowner, wherever located, should be required to assume obligations to ensure the proper fulfilment by shipowners of the terms of their employment agreements concluded with seafarers.

Appendix A5-I

The working and living conditions of seafarers that must be inspected and approved by the flag State before certifying a ship in accordance with Standard A5.1.3, paragraph 1:

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages

Appendix A5-II*Maritime Labour Certificate*

(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 (referred to below as “the Convention”) under the authority of the Government of:

.....
(full designation of the State whose flag the ship is entitled to fly)

by

.....
(full designation and address of the competent authority or recognized organization duly authorized under the provisions of the Convention)

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage¹

IMO number

Type of ship

Name and address of the shipowner²

.....
.....

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

2. That the seafarers’ working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country’s national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued

at on is attached.

Completion date of the inspection on which this Certificate is based was

Issued at on

Signature of the duly authorized official issuing the Certificate

(Seal or stamp of issuing authority, as appropriate)

1. For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

2. *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

Endorsements for mandatory intermediate inspection and, if required, any additional inspection

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the above-mentioned country's national requirements implementing the Convention.

Intermediate inspection:

(to be completed between the second and third anniversary dates)

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Intermediate inspection:

(if required)

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Intermediate inspection:

(if required)

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Intermediate inspection:

(if required)

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of:

(insert name of competent authority as defined in Article II, paragraph 1(a), of the Convention)

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided <under the corresponding national requirement listed below> <in the section provided for this purpose below> *(strike out the statement which is not applicable)*;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Seafarers' employment agreements (Regulation 2.1)
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
6. Hours of work or rest (Regulation 2.3)
7. Manning levels for the ship (Regulation 2.7)
8. Accommodation (Regulation 3.1)
9. On-board recreational facilities (Regulation 3.1)
10. Food and catering (Regulation 3.2)
11. Health and safety and accident prevention (Regulation 4.3)
12. On-board medical care (Regulation 4.1)
13. On-board complaint procedures (Regulation 5.1.5)
14. Payment of wages (Regulation 2.2)

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted *(insert description if applicable)*:

No equivalency has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

No exemption has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:
(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Seafarers' employment agreements (Regulation 2.1)
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
6. Hours of work or rest (Regulation 2.3)

7. Manning levels for the ship (Regulation 2.7)
-
8. Accommodation (Regulation 3.1)
-
9. On-board recreational facilities (Regulation 3.1)
-
10. Food and catering (Regulation 3.2)
-
11. Health and safety and accident prevention (Regulation 4.3)
-
12. On-board medical care (Regulation 4.1)
-
13. On-board complaint procedures (Regulation 5.1.5)
-
14. Payment of wages (Regulation 2.2)
-

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner³:

Company address:

Name of the authorized signatory:

Title:

Signature of the authorized signatory:

Date:

(Stamp or seal of the shipowner)

The above measures have been reviewed by (*insert name of competent authority or duly recognized organization*) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:

Address:

.....

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

3. *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

Interim Maritime Labour Certificate

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 (referred to below as “the Convention”) under the authority of the Government of:

.....
(full designation of the State whose flag the ship is entitled to fly)

by

(full designation and address of the competent authority or recognized organization duly authorized under the provisions of the Convention)

Particulars of the ship

Name of ship:

Distinctive number or letters:

Port of registry:

Date of registry:

Gross tonnage⁴:

IMO number:

Type of ship:

Name and address of the shipowner⁵:

This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 .

Completion date of the inspection referred to under (a) above was

Issued at on

Signature of the duly authorized official issuing the interim certificate

.....

(Seal or stamp of issuing authority, as appropriate)

4. For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

5. *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

Appendix A5-III

General areas that are subject to a detailed inspection by an authorized officer in a port of a Member carrying out a port State inspection pursuant to Standard A5.2.1:

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages

Appendix B5-I – Example of a national declaration

See Guideline B5.1.3, paragraph 5 Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of: **The Ministry of Maritime Transport of Xxxxxx**

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage
M.S EXAMPLE	12345	1,000

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided <under the corresponding national requirement listed below> <in the section provided for this purpose below> *(strike out the statement which is not applicable)*;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)

Shipping Law, No. 123 of 1905, as amended ("Law"), Chapter X; Shipping Regulations ("Regulations"), 2006, Rules 1111-1222.

Minimum ages are those referred to in the Convention. "Night" means 9 p.m. to 6 a.m. unless the Ministry of Maritime Transport ("Ministry") approves a different period.

Examples of hazardous work restricted to 18-year-olds or over are listed in Schedule A hereto. In the case of cargo ships, no one under 18 may work in the areas marked on the ship's plan (to be attached to this Declaration) as "hazardous area".

2. Medical certification (Regulation 1.2)

Law, Chapter XI; Regulations, Rules 1223-1233.

Medical certificates shall conform to the STCW requirements, where applicable; in other cases, the STCW requirements are applied with any necessary adjustments. Qualified opticians on list approved by Ministry may issue certificates concerning eyesight. Medical examinations follow the ILO/WHO Guidelines referred to in Guideline B1.2.1

Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1) X

Date of birth of each seafarer is noted against his/her name on the crew list.

The list is checked at the beginning of each voyage by the master or officer acting on his or her behalf (“competent officer”), who records the date of such verification. Each seafarer under 18 receives, at the time of engagement, a note prohibiting him/

her from performing night work or the work specifically listed as hazardous (see Part I, section 1, above) and any other hazardous work, and requiring him/her to consult the competent officer in case of doubt. A copy of the note, with the seafarer’s signature under “received and read”, and the date of signature, is kept by the competent officer.

2. Medical certification (Regulation 1.2) X

The medical certificates are kept in strict confidence by the competent officer, together with a list, prepared under the competent officer’s responsibility and stating for each seafarer on board: the functions of the seafarer, the date of the current medical certificate(s) and the health status noted on the certificate concerned.

In any case of possible doubt as to whether the seafarer is medically fit for a particular function or functions, the competent officer consults the seafarer’s doctor or another qualified practitioner and records a summary of the practitioner’s conclusions, as well as the practitioner’s name and telephone number and the date of the consultation.

Amendments to the Code implementing Regulations 2.5
and 4.2 and appendices of the Maritime Labour Convention,
2006 (MLC, 2006)

Adoption

Adopted by the Special Tripartite Committee on 11 April 2014

**I. Amendments to the Code implementing Regulation 2.5 –
Repatriation of the MLC, 2006 (and appendices)**

A. Amendments relating to Standard A2.5

In the present heading, “Standard A2.5 – Repatriation”, replace “A2.5” by “A2.5.1”.

Following paragraph 9 of the present Standard A2.5, add the following heading and text:

Standard A2.5.2 – Financial security

1. In implementation of Regulation 2.5, paragraph 2, this Standard establishes requirements to ensure the provision of an expeditious and effective financial security system to assist seafarers in the event of their abandonment.

2. For the purposes of this Standard, a seafarer shall be deemed to have been abandoned where, in violation of the requirements of this Convention or the terms of the seafarers’ employment agreement, the shipowner:

- (a) fails to cover the cost of the seafarer’s repatriation; or
- (b) has left the seafarer without the necessary maintenance and support; or
- (c) has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.

3. Each Member shall ensure that a financial security system meeting the requirements of this Standard is in place for ships flying its flag. The financial security system may be in the form of a social security scheme or insurance or a national fund or other similar arrangements. Its form shall be determined by the Member after consultation with the shipowners’ and seafarers’ organizations concerned.

4. The financial security system shall provide direct access, sufficient coverage and expedited financial assistance, in accordance with this Standard, to any abandoned seafarer on a ship flying the flag of the Member.

5. For the purposes of paragraph 2(b) of this Standard, necessary maintenance and support of seafarers shall include: adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care.

6. Each Member shall require that ships that fly its flag, and to which paragraph 1 or 2 of Regulation 5.1.3 applies, carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

7. The certificate or other documentary evidence of financial security shall contain the information required in Appendix A2-I. It shall be in English or accompanied by an English translation.

8. Assistance provided by the financial security system shall be granted promptly upon request made by the seafarer or the seafarer’s nominated representative and supported by the necessary justification of entitlement in accordance with paragraph 2 above.

9. Having regard to Regulations 2.2 and 2.5, assistance provided by the financial security system shall be sufficient to cover the following:

- (a) outstanding wages and other entitlements due from the shipowner to the seafarer under their employment agreement, the relevant collective bargaining agreement or the national law of the flag State, limited to four months of any such outstanding wages and four months of any such outstanding entitlements;
- (b) all expenses reasonably incurred by the seafarer, including the cost of repatriation referred to in paragraph 10; and
- (c) the essential needs of the seafarer including such items as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at home.

10. The cost of repatriation shall cover travel by appropriate and expeditious means, normally by air, and include provision for food and accommodation of the seafarer from the time of leaving the ship until arrival at the seafarer's home, necessary medical care, passage and transport of personal effects and any other reasonable costs or charges arising from the abandonment.

11. The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the flag State.

12. If the provider of insurance or other financial security has made any payment to any seafarer in accordance with this Standard, such provider shall, up to the amount it has paid and in accordance with the applicable law, acquire by subrogation, assignment or otherwise, the rights which the seafarer would have enjoyed.

13. Nothing in this Standard shall prejudice any right of recourse of the insurer or provider of financial security against third parties.

14. The provisions in this Standard are not intended to be exclusive or to prejudice any other rights, claims or remedies that may also be available to compensate seafarers who are abandoned. National laws and regulations may provide that any amounts payable under this Standard can be offset against amounts received from other sources arising from any rights, claims or remedies that may be the subject of compensation under the present Standard.

B. Amendments relating to Guideline B2.5

At the end of the present Guideline B2.5, add the following heading and text:

Guideline B2.5.3 – Financial security

1. In implementation of paragraph 8 of Standard A2.5.2, if time is needed to check the validity of certain aspects of the request of the seafarer or the seafarer's nominated representative, this should not prevent the seafarer from immediately receiving such part of the assistance requested as is recognized as justified.

C. Amendment to include a new appendix

Before Appendix A5-I, add the following appendix:

APPENDIX A2-1

Evidence of financial security under Regulation 2.5, paragraph 2

The certificate or other documentary evidence referred to in Standard A2.5.2, paragraph 7, shall include the following information:

- (a) name of the ship;
- (b) port of registry of the ship;

- (c) call sign of the ship;
- (d) IMO number of the ship;
- (e) name and address of the provider or providers of the financial security;
- (f) contact details of the persons or entity responsible for handling seafarers' requests for relief;
- (g) name of the shipowner;
- (h) period of validity of the financial security; and
- (i) an attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2.

D. Amendments relating to Appendices A5-I, A5-II and A5-III

At the end of Appendix A5-I, add the following item:

Financial security for repatriation

In Appendix A5-II, after item 14 under the heading Declaration of Maritime Labour Compliance – Part I, add the following item:

15. Financial security for repatriation (Regulation 2.5)

In Appendix A5-II, after item 14 under the heading Declaration of Maritime Labour Compliance – Part II, add the following item:

15. Financial security for repatriation (Regulation 2.5)

At the end of Appendix A5-III, add the following area:

Financial security for repatriation

**II. Amendments to the Code implementing Regulation 4.2 –
Shipowners' liability of the MLC, 2006 (and appendices)**

A. Amendments relating to Standard A4.2

In the present heading, "Standard A4.2 – Shipowners' liability", replace "A4.2" by "A4.2.1".

Following paragraph 7 of the present Standard A4.2, add the following text:

8. National laws and regulations shall provide that the system of financial security to assure compensation as provided by paragraph 1(b) of this Standard for contractual claims, as defined in Standard A4.2.2, meet the following minimum requirements:

- (a) the contractual compensation, where set out in the seafarer's employment agreement and without prejudice to subparagraph (c) of this paragraph, shall be paid in full and without delay;
- (b) there shall be no pressure to accept a payment less than the contractual amount;
- (c) where the nature of the long-term disability of a seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled, an interim payment or payments shall be made to the seafarer so as to avoid undue hardship;
- (d) in accordance with Regulation 4.2, paragraph 2, the seafarer shall receive payment without prejudice to other legal rights, but such payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident; and
- (e) the claim for contractual compensation may be brought directly by the seafarer concerned, or their next of kin, or a representative of the seafarer or designated beneficiary.

9. National laws and regulations shall ensure that seafarers receive prior notification if a shipowner's financial security is to be cancelled or terminated.

10. National laws and regulations shall ensure that the competent authority of the flag State is notified by the provider of the financial security if a shipowner's financial security is cancelled or terminated.

11. Each Member shall require that ships that fly its flag carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

12. The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the flag State.

13. The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

14. The certificate or other documentary evidence of financial security shall contain the information required in Appendix A4-I. It shall be in English or accompanied by an English translation.

Add the following heading and text following the present Standard A4.2:

Standard A4.2.2 – Treatment of contractual claims

1. For the purposes of Standard A4.2.1, paragraph 8, and the present Standard, the term “contractual claim” means any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard as set out in national law, the seafarers' employment agreement or collective agreement.

2. The system of financial security, as provided for in Standard A4.2.1, paragraph 1(b), may be in the form of a social security scheme or insurance or fund or other similar arrangements. Its form shall be determined by the Member after consultation with the shipowners' and seafarers' organizations concerned.

3. National laws and regulations shall ensure that effective arrangements are in place to receive, deal with and impartially settle contractual claims relating to compensation referred to in Standard A4.2.1, paragraph 8, through expeditious and fair procedures.

B. Amendments relating to Guideline B4.2

In the present heading, “Guideline B4.2 – Shipowners' liability”, replace “B4.2” by “B4.2.1”.

In paragraph 1 of the present Guideline B4.2, replace “Standard A4.2” by “Standard A4.2.1”.

Following paragraph 3 of the present Guideline B4.2, add the following heading and text:

Guideline B4.2.2 – Treatment of contractual claims

1. National laws or regulations should provide that the parties to the payment of a contractual claim may use the Model Receipt and Release Form set out in Appendix B4-I.

C. Amendment to include new appendices

After Appendix A2-I, add the following appendix:

*Appendix A4-I
Evidence of financial security under Regulation 4.2*

The certificate or other documentary evidence of financial security required under Standard A4.2.1, paragraph 14, shall include the following information:

- (a) name of the ship;
- (b) port of registry of the ship;
- (c) call sign of the ship;
- (d) IMO number of the ship;
- (e) name and address of the provider or providers of the financial security;
- (f) contact details of the persons or entity responsible for handling seafarers' contractual claims;
- (g) name of the shipowner;
- (h) period of validity of the financial security; and
- (i) an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1.

After Appendix A4-I, add the following appendix:

*Appendix B4-I
Model Receipt and Release Form referred to in Guideline B4.2.2*

Ship (name, port of registry and IMO number):

Incident (date and place):

Seafarer/legal heir and/or dependant:

Shipowner:

I, [Seafarer] [Seafarer's legal heir and/or dependant]* hereby acknowledge receipt of the sum of [currency and amount] in satisfaction of the Shipowner's obligation to pay contractual compensation for personal injury and/or death under the terms and conditions of [my] [the Seafarer's]* employment and I hereby release the Shipowner from their obligations under the said terms and conditions.

The payment is made without admission of liability of any claims and is accepted without prejudice to [my] [the Seafarer's legal heir and/or dependant's]* right to pursue any claim at law in respect of negligence, tort, breach of statutory duty or any other legal redress available and arising out of the above incident.

Dated:

Seafarer/legal heir and/or dependant:

Signed:

For acknowledgement:

Shipowner/Shipowner representative:

Signed:

Financial security provider:

Signed:

* Delete as appropriate.

D. Amendments relating to Appendices A5-I, A5-II and A5-III

At the end of Appendix A5-I, add the following item:

Financial security relating to shipowners' liability

In Appendix A5-II, as the last item under the heading Declaration of Maritime Labour Compliance – Part I, add the following item:

16. Financial security relating to shipowners' liability (Regulation 4.2)

In Appendix A5-II, as the last item under the heading Declaration of Maritime Labour Compliance – Part II, add the following item:

16. Financial security relating to shipowners' liability (Regulation 4.2)

At the end of Appendix A5-III, add the following area:

Financial security relating to shipowners' liability

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	9 Feb 2005	Geneva, ILC 91st Session (19 June 2003)	28

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-first Session on 3 June 2003, and

Mindful of the continuing threat to the security of passengers and crews and the safety of ships, to the national interest of States and to individuals, and

Mindful also of the core mandate of the Organization, which is to promote decent conditions of work, and

Considering that, given the global nature of the shipping industry, seafarers need special protection, and

Recognizing the principles embodied in the Seafarers' Identity Documents Convention, 1958, concerning the facilitation of entry by seafarers into the territory of Members, for the purposes of shore leave, transit, transfer or repatriation, and

Noting the Convention on the Facilitation of International Maritime Traffic, 1965, as amended, of the International Maritime Organization, in particular, Standards 3.44 and 3.45, and

Noting further that United Nations General Assembly Resolution A/RES/57/219 (Protection of human rights and fundamental freedoms while countering terrorism) affirms that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law, and

Being aware that seafarers work and live on ships involved in international trade and that access to shore facilities and shore leave are vital elements of seafarers' general well-being and, therefore, to the achievement of safer shipping and cleaner oceans, and

Being aware also that the ability to go ashore is essential for joining a ship and leaving after the agreed period of service, and

Noting the amendments to the International Convention for the Safety of Life at Sea, 1974, as amended, concerning special measures to enhance maritime safety and security, that were adopted by the International Maritime Organization Diplomatic Conference on 12 December 2002, and

Having decided upon the adoption of certain proposals with regard to the improved security of seafarers' identification, which is the seventh item on the agenda of the session, and

Having decided that these proposals shall take the form of an international Convention revising the Seafarers' Identity Documents Convention, 1958,

adopts this nineteenth day of June of the year two thousand and three, the following Convention, which may be cited as the Seafarers' Identity Documents Convention (Revised), 2003.

Scope

Article 1

1. For the purposes of this Convention, the term *seafarer* means any person who is employed or is engaged or works in any capacity on board a vessel, other than a ship of war, ordinarily engaged in maritime navigation.

2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined in accordance with the provisions of this Convention by the competent authority of the State of nationality or permanent residence of such persons after consulting with the shipowners' and seafarers' organizations concerned.

3. After consulting the representative organizations of fishing-vessel owners and persons working on board fishing vessels, the competent authority may apply the provisions of this Convention to commercial maritime fishing.

Issuance of seafarers' identity documents

Article 2

1. Each Member for which this Convention is in force shall issue to each of its nationals who is a seafarer and makes an application to that effect a seafarers' identity document conforming to the provisions of Article 3 of this Convention.

2. Unless otherwise provided for in this Convention, the issuance of seafarers' identity documents may be subject to the same conditions as those prescribed by national laws and regulations for the issuance of travel documents.

3. Each Member may also issue seafarers' identity documents referred to in paragraph 1 to seafarers who have been granted the status of permanent resident in its territory. Permanent residents shall in all cases travel in conformity with the provisions of Article 6, paragraph 7.

4. Each Member shall ensure that seafarers' identity documents are issued without undue delay.

5. Seafarers shall have the right to an administrative appeal in the case of a rejection of their application.

6. This Convention shall be without prejudice to the obligations of each Member under international arrangements relating to refugees and stateless persons.

Content and form

Article 3

1. The seafarers' identity document covered by this Convention shall conform – in its content – to the model set out in Annex I hereto. The form of the document and the materials used in it shall be consistent with the general specifications set out in the model, which shall be based on the criteria set out below. Provided that any amendment is consistent with the following paragraphs, Annex I may, where necessary, be amended in accordance with Article 8 below, in particular to take account of technological developments. The decision to adopt the amendment shall specify when the amendment will enter into effect, taking account of the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures.

2. The seafarers' identity document shall be designed in a simple manner, be made of durable material, with special regard to conditions at sea and be machine-readable. The materials used shall:

- (a) prevent tampering with the document or falsification, as far as possible, and enable easy detection of alterations; and
- (b) be generally accessible to governments at the lowest cost consistent with reliably achieving the purpose set out in (a) above.

3. Members shall take into account any available guidelines developed by the International Labour Organization on standards of the technology to be used which will facilitate the use of a common international standard.

4. The seafarers' identity document shall be no larger than a normal passport.

5. The seafarers' identity document shall contain the name of the issuing authority, indications enabling rapid contact with that authority, the date and place of issue of the document, and the following statements:

- (a) this document is a seafarers' identity document for the purpose of the Seafarers' Identity Documents Convention (Revised), 2003, of the International Labour Organization; and
- (b) this document is a stand-alone document and not a passport.

6. The maximum validity of a seafarers' identity document shall be determined in accordance with the laws and regulations of the issuing State and shall in no case exceed ten years, subject to renewal after the first five years.

7. Particulars about the holder included in the seafarer's identity document shall be restricted to the following:

- (a) full name (first and last names where applicable);
- (b) sex;
- (c) date and place of birth;
- (d) nationality;
- (e) any special physical characteristics that may assist identification;
- (f) digital or original photograph; and
- (g) signature.

8. Notwithstanding paragraph 7 above, a template or other representation of a biometric of the holder which meets the specification provided for in Annex I shall also be required for inclusion in the seafarers' identity document, provided that the following preconditions are satisfied:

- (a) the biometric can be captured without any invasion of privacy of the persons concerned, discomfort to them, risk to their health or offence against their dignity;

- (b) the biometric shall itself be visible on the document and it shall not be possible to reconstitute it from the template or other representation;
- (c) the equipment needed for the provision and verification of the biometric is user-friendly and is generally accessible to governments at low cost;
- (d) the equipment for the verification of the biometric can be conveniently and reliably operated in ports and in other places, including on board ship, where verification of identity is normally carried out by the competent authorities; and
- (e) the system in which the biometric is to be used (including the equipment, technologies and procedures for use) provides results that are uniform and reliable for the authentication of identity.

9. All data concerning the seafarer that are recorded on the document shall be visible. Seafarers shall have convenient access to machines enabling them to inspect any data concerning them that is not eye-readable. Such access shall be provided by or on behalf of the issuing authority.

10. The content and form of the seafarers' identity document shall take into account the relevant international standards cited in Annex I.

National electronic database

Article 4

1. Each Member shall ensure that a record of each seafarers' identity document issued, suspended or withdrawn by it is stored in an electronic database. The necessary measures shall be taken to secure the database from interference or unauthorized access.

2. The information contained in the record shall be restricted to details which are essential for the purposes of verifying a seafarers' identity document or the status of a seafarer and which are consistent with the seafarer's right to privacy and which meet all applicable data protection requirements. The details are set out in Annex II hereto, which may be amended in the manner provided for in Article 8 below, taking account of the need to give Members sufficient time to make any necessary revisions of their national database systems.

3. Each Member shall put in place procedures which will enable any seafarer to whom it has issued a seafarers' identity document to examine and check the validity of all the data held or stored in the electronic database which relate to that individual and to provide for correction if necessary, at no cost to the seafarer concerned.

4. Each Member shall designate a permanent focal point for responding to inquiries, from the immigration or other competent authorities of all Members of the Organization, concerning the authenticity and validity of the seafarers' identity document issued by its authority. Details of the permanent focal point shall be communicated to the International Labour Office, and the Office shall maintain a list which shall be communicated to all Members of the Organization.

5. The details referred to in paragraph 2 above shall at all times be immediately accessible to the immigration or other competent authorities in member States of the Organization, either electronically or through the focal point referred to in paragraph 4 above.

6. For the purposes of this Convention, appropriate restrictions shall be established to ensure that no data – in particular, photographs – are exchanged, unless a mechanism is in place to ensure that applicable data protection and privacy standards are adhered to.

7. Members shall ensure that the personal data on the electronic database shall not be used for any purpose other than verification of the seafarers' identity document.

Quality control and evaluations

Article 5

1. Minimum requirements concerning processes and procedures for the issue of seafarers' identity documents, including quality-control procedures, are set out in Annex III to this Convention. These minimum requirements establish mandatory results that must be achieved by each Member in the administration of its system for issuance of seafarers' identity documents.

2. Processes and procedures shall be in place to ensure the necessary security for:

- (a) the production and delivery of blank seafarers' identity documents;
- (b) the custody, handling and accountability for blank and completed seafarers' identity documents;
- (c) the processing of applications, the completion of the blank seafarers' identity documents into personalized seafarers' identity documents by the authority and unit responsible for issuing them and the delivery of the seafarers' identity documents;
- (d) the operation and maintenance of the database; and
- (e) the quality control of procedures and periodic evaluations.

3. Subject to paragraph 2 above, Annex III may be amended in the manner provided for in Article 8, taking account of the need to give Members sufficient time to make any necessary revisions to their processes and procedures.

4. Each Member shall carry out an independent evaluation of the administration of its system for issuing seafarers' identity documents, including quality-control procedures, at least every five years. Reports on such evaluations, subject to the removal of any confidential material, shall be provided to the Director-General of the International Labour Office with a copy to the representative organizations of shipowners and seafarers in the Member concerned. This reporting requirement shall be without prejudice to the obligations of Members under article 22 of the Constitution of the International Labour Organisation.

5. The International Labour Office shall make these evaluation reports available to Members. Any disclosure, other than those authorized by this Convention, shall require the consent of the reporting Member.

6. The Governing Body of the International Labour Office, acting on the basis of all relevant information in accordance with arrangements made by it, shall approve a list of Members which fully meet the minimum requirements referred to in paragraph 1 above.

7. The list must be available to Members of the Organization at all times and be updated as appropriate information is received. In particular, Members shall be promptly notified where the inclusion of any Member on the list is contested on solid grounds in the framework of the procedures referred to in paragraph 8.

8. In accordance with procedures established by the Governing Body, provision shall be made for Members which have been or may be excluded from the list, as well as interested governments of ratifying Members and representative shipowners' and seafarers' organizations, to make their views known to the Governing Body, in accordance with the arrangements referred to above and to have any disagreements fairly and impartially settled in a timely manner.

9. The recognition of seafarers' identity documents issued by a Member is subject to its compliance with the minimum requirements referred to in paragraph 1 above.

Facilitation of shore leave and transit and transfer of seafarers

Article 6

1. Any seafarer who holds a valid seafarers' identity document issued in accordance with the provisions of this Convention by a Member for which the Convention is in force shall be recognized as a seafarer within the meaning of the Convention unless clear grounds exist for doubting the authenticity of the seafarers' identity document.

2. The verification and any related inquiries and formalities needed to ensure that the seafarer for whom entry is requested pursuant to paragraphs 3 to 6 or 7 to 9 below is the holder of a seafarers' identity document issued in accordance with the requirements of this Convention shall be at no cost to the seafarers or shipowners.

Shore leave

3. Verification and any related inquiries and formalities referred to in paragraph 2 above shall be carried out in the shortest possible time provided that reasonable advance notice of the holder's arrival was received by the competent authorities. The notice of the holder's arrival shall include the details specified in section 1 of Annex II.

4. Each Member for which this Convention is in force shall, in the shortest possible time, and unless clear grounds exist for doubting the authenticity of the seafarers' identity document, permit the entry into its territory of a seafarer holding a valid seafarer's identity document, when entry is requested for temporary shore leave while the ship is in port.

5. Such entry shall be allowed provided that the formalities on arrival of the ship have been fulfilled and the competent authorities have no reason to refuse permission to come ashore on grounds of public health, public safety, public order or national security.

6. For the purpose of shore leave seafarers shall not be required to hold a visa. Any Member which is not in a position to fully implement this requirement shall ensure that its laws and regulations or practice provide arrangements that are substantially equivalent.

Transit and transfer

7. Each Member for which this Convention is in force shall, in the shortest possible time, also permit the entry into its territory of seafarers holding a valid seafarers' identity document supplemented by a passport, when entry is requested for the purpose of:

- (a) joining their ship or transferring to another ship;
- (b) passing in transit to join their ship in another country or for repatriation; or any other purpose approved by the authorities of the Member concerned.

8. Such entry shall be allowed unless clear grounds exist for doubting the authenticity of the seafarers' identity document, provided that the competent authorities have no reason to refuse entry on grounds of public health, public safety, public order or national security.

9. Any Member may, before permitting entry into its territory for one of the purposes specified in paragraph 7 above, require satisfactory evidence, including documentary evidence of a seafarer's intention and ability to carry out that intention. The Member may also limit the seafarer's stay to a period considered reasonable for the purpose in question.

Continuous possession and withdrawal

Article 7

1. The seafarers' identity document shall remain in the seafarer's possession at all times, except when it is held for safekeeping by the master of the ship concerned, with the seafarer's written consent.

2. The seafarers' identity document shall be promptly withdrawn by the issuing State if it is ascertained that the seafarer no longer meets the conditions for its issue under this Convention. Procedures for suspending or withdrawing seafarers' identity documents shall be drawn up in consultation with the representative shipowners' and seafarers' organizations and shall include procedures for administrative appeal.

Amendment of the annexes

Article 8

1. Subject to the relevant provisions of this Convention, amendments to the Annexes may be made by the International Labour Conference, acting on the advice of a duly constituted tripartite maritime body of the International Labour Organization. The decision shall require a majority of two-thirds of the votes cast by the delegates present at the Conference, including at least half the Members that have ratified this Convention.

2. Any Member that has ratified this Convention may give written notice to the Director-General within six months of the date of the adoption of such an amendment that it shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification.

Transitional provision

Article 9

Any Member which is a party to the Seafarers' Identity Documents Convention, 1958, and which is taking measures, in accordance with article 19 of the Constitution of the International Labour Organisation, with a view to ratification of this Convention may notify the Director-General of its intention to apply the present Convention provisionally. A seafarers' identity document issued by such a Member shall be treated for the purposes of this Convention as a seafarers' identity document issued under it provided that the requirements of Articles 2 to 5 of this Convention are fulfilled and that the Member concerned accepts seafarers' identity documents issued under this Convention.

Final provisions

Article 10

This Convention revises the Seafarers' Identity Documents Convention, 1958.

ANNEX I

Model for seafarers' identity document

The seafarers' identity document, whose form and content are set out below, shall consist of good-quality materials which, as far as practicable, having regard to considerations such as cost, are not easily accessible to the general public. The document shall have no more space than is necessary to contain the information provided for by the Convention.

It shall contain the name of the issuing State and the following statement:

“This document is a seafarers’ identity document for the purpose of the Seafarers’ Identity Documents Convention (Revised), 2003, of the International Labour Organization. This document is a stand-alone document and not a passport.”

The data page(s) of the document indicated in **bold** below shall be protected by a laminate or overlay, or by applying an imaging technology and substrate material that provide an equivalent resistance to substitution of the portrait and other biographical data.

The materials used, dimensions and placement of data shall conform to the International Civil Aviation Organization (ICAO) specifications as contained in Document 9303 Part 3 (2nd edition, 2002) or Document 9303 Part 1 (5th edition, 2003).

Other security features shall include at least one of the following features:

Watermarks, ultraviolet security features, use of special inks, special colour designs, perforated images, holograms, laser engraving, micro-printing, and heat-sealed lamination.

Data to be entered on the data page(s) of the seafarers’ identity document shall be restricted to:

I. Issuing authority:

II. Telephone number(s), email and web site of the authority:

III. Date and place of issue:

Digital or original photograph of seafarer

- (a) **Full name of seafarer:**
- (b) **Sex:**
- (c) **Date and place of birth:**
- (d) **Nationality:**
- (e) **Any special physical characteristics of seafarer that may assist identification:**
- (f) **Signature:**
- (g) **Date of expiry:**
- (h) **Type or designation of document:**
- (i) **Unique document number:**
- (j) **Personal identification number (optional):**
- (k) **Biometric template based on a fingerprint printed as numbers in a bar code conforming to a standard to be developed:**
- (l) **A machine-readable zone conforming to ICAO specifications in Document 9303 specified above.**

IV. Official seal or stamp of the issuing authority.

Explanation of data

The captions on fields on the data page(s) above may be translated into the language(s) of the issuing State. If the national language is other than English, French or Spanish, the captions shall also be entered in one of these languages.

The Roman alphabet should be used for all entries in this document.

The information listed above shall have the following characteristics:

I. Issuing authority: ISO code for the issuing State and the name and full address of the office issuing the seafarers’ identity document as well as the name and position of the person authorizing the issue.

II. The telephone number, email and web site shall correspond to the links to the focal point referred to in the Convention.

III. Date and place of issue: the date shall be written in two-digit Arabic numerals in the form day/month/year – e.g. 31/12/03; the place shall be written in the same way as on the national passport.

**Size of the portrait photograph:
as in ICAO Document 9303 specified above**

- (a) Full name of seafarer: where applicable, family name shall be written first, followed by the seafarer's other names;
- (b) Sex: specify "M" for male or "F" for female;
- (c) Date and place of birth: the date shall be written in two-digit Arabic numerals in the form day/month/year; the place shall be written in the same way as on the national passport;
- (d) Statement of nationality: specify nationality;
- (e) Special physical characteristics: any evident characteristics assisting identification;
- (f) Signature of seafarer;
- (g) Date of expiry: in two-digit Arabic numerals in the form day/month/year;
- (h) Type or designation of document: character code for document type, written in capitals in the Roman alphabet (S);
- (i) Unique document number: country code (see I above) followed by an alphanumeric book inventory number of no more than nine characters;
- (j) Personal identification number: optional personal identification number of the seafarer; identification number of no more than 14 alphanumeric characters;
- (k) Biometric template: precise specification to be developed;
- (l) Machine-readable zone: according to ICAO Document 9303 specified above.

**ANNEX II
Electronic database**

The details to be provided for each record in the electronic database to be maintained by each Member in accordance with Article 4, paragraphs 1, 2, 6 and 7 of this Convention shall be restricted to:

Section 1

1. Issuing authority named on the identity document.
2. Full name of seafarer as written on the identity document.
3. Unique document number of the identity document.
4. Date of expiry or suspension or withdrawal of the identity document.

Section 2

5. Biometric template appearing on the identity document.
6. Photograph.
7. Details of all inquiries made concerning the seafarers' identity document.

ANNEX III

Requirements and recommended procedures and practices concerning the issuance of seafarers' identity documents

This Annex sets out minimum requirements relating to procedures to be adopted by each Member in accordance with Article 5 of this Convention, with respect to the issuance of seafarers' identity documents (referred to below as "SIDs"), including quality-control procedures.

Part A lists the mandatory results that must be achieved, as a minimum, by each Member, in implementing a system of issuance of SIDs.

Part B recommends procedures and practices for achieving those results. Part B is to be given full consideration by Members, but is not mandatory.

Part A. Mandatory results

1. Production and delivery of blank SIDs

Processes and procedures are in place to ensure the necessary security for the production and delivery of blank SIDs, including the following:

- (a) all blank SIDs are of uniform quality and meet the specifications in content and form as contained in Annex I;
- (b) the materials used for production are protected and controlled;
- (c) blank SIDs are protected, controlled, identified and tracked during the production and delivery processes;
- (d) producers have the means of properly meeting their obligations in relation to the production and delivery of blank SIDs;
- (e) the transport of the blank SIDs from the producer to the issuing authority is secure.

2. Custody, handling and accountability for blank and completed SIDs

Processes and procedures are in place to ensure the necessary security for the custody, handling and accountability for blank and completed SIDs, including the following:

- (a) the custody and handling of blank and completed SIDs is controlled by the issuing authority;
- (b) blank, completed and voided SIDs, including those used as specimens, are protected, controlled, identified and tracked;
- (c) personnel involved with the process meet standards of reliability, trustworthiness and loyalty required by their positions and have appropriate training;
- (d) the division of responsibilities among authorized officials is designed to prevent the issuance of unauthorized SIDs.

3. Processing of applications; suspension or withdrawal of SIDs; appeal procedures

Processes and procedures are in place to ensure the necessary security for the processing of applications, the completion of the blank SIDs into personalized SIDs by the authority and unit responsible for issuing them, and the delivery of the SIDs, including:

- (a) processes for verification and approval ensuring that SIDs, when first applied for and when renewed, are issued only on the basis of:
 - (i) applications completed with all information required by Annex I,
 - (ii) proof of identity of the applicant in accordance with the law and practice of the issuing State,
 - (iii) proof of nationality or permanent residence,
 - (iv) proof that the applicant is a seafarer within the meaning of Article 1,
 - (v) assurance that applicants, especially those with more than one nationality or having the status of permanent residents, are not issued with more than one SID,

- (vi) verification that the applicant does not constitute a risk to security, with proper respect for the fundamental rights and freedoms set out in international instruments.
- (b) the processes ensure that:
 - (i) the particulars of each item contained in Annex II are entered in the database simultaneously with issuance of the SID,
 - (ii) the data, photograph, signature and biometric gathered from the applicant correspond to the applicant, and
 - (iii) the data, photograph, signature and biometric gathered from the applicant are linked to the application throughout the processing, issuance and delivery of the SID.
- (c) prompt action is taken to update the database when an issued SID is suspended or withdrawn;
- (d) an extension and/or renewal system has been established to provide for circumstances where a seafarer is in need of extension or renewal of his or her SID and in circumstances where the SID is lost;
- (e) the circumstances in which SIDs may be suspended or withdrawn are established in consultation with shipowners' and seafarers' organizations;
- (f) effective and transparent appeal procedures are in place.

4. Operation, security and maintenance of the database

Processes and procedures are in place to ensure the necessary security for the operation and maintenance of the database, including the following:

- (a) the database is secure from tampering and from unauthorized access;
- (b) data are current, protected against loss of information and available for query at all times through the focal point;
- (c) databases are not appended, copied, linked or written to other databases; information from the database is not used for purposes other than authenticating the seafarers' identity;
- (d) the individual's rights are respected, including:
 - (i) the right to privacy in the collection, storage, handling and communication of personal data; and
 - (ii) the right of access to data concerning him or her and to have any inaccuracies corrected in a timely manner.

5. Quality control of procedures and periodic evaluations

- (a) Processes and procedures are in place to ensure the necessary security through the quality control of procedures and periodic evaluations, including the monitoring of processes, to ensure that required performance standards are met, for:
 - (i) production and delivery of blank SIDs,
 - (ii) custody, handling and accountability for blank, voided and personalized SIDs,
 - (iii) processing of applications, completion of blank SIDs into personalized SIDs by the authority and unit responsible for issuance and delivery,
 - (iv) operation, security and maintenance of the database.
- (b) Periodic reviews are carried out to ensure the reliability of the issuance system and of the procedures and their conformity with the requirements of this Convention.
- (c) Procedures are in place to protect the confidentiality of information contained in reports on periodic evaluations provided by other ratifying Members.

Part B. Recommended procedures and practices

1. Production and delivery of blank SIDs

- 1.1 In the interest of security and uniformity of SIDs, the competent authority should select an effective source for the production of blank SIDs to be issued by the Member.
- 1.2 If the blanks are to be produced on the premises of the authority responsible for the issuance of SIDs (“the issuing authority”), section 2.2 below applies.
- 1.3 If an outside enterprise is selected, the competent authority should:
 - 1.3.1 check that the enterprise is of undisputed integrity, financial stability and reliability;
 - 1.3.2 require the enterprise to designate all the employees who will be engaged in the production of blank SIDs;
 - 1.3.3 require the enterprise to furnish the authority with proof that demonstrates that there are adequate systems in place to ensure the reliability, trustworthiness and loyalty of designated employees and to satisfy the authority that it provides each such employee with adequate means of subsistence and adequate job security;
 - 1.3.4 conclude a written agreement with the enterprise which, without prejudice to the authority’s own responsibility for SIDs, should, in particular, establish the specifications and directions referred to under section 1.5 below and require the enterprise:
 - 1.3.4.1 to ensure that only the designated employees, who must have assumed strict obligations of confidentiality, are engaged in the production of the blank SIDs;
 - 1.3.4.2 to take all necessary security measures for the transport of the blank SIDs from its premises to the premises of the issuing authority. Issuing agents cannot be absolved from the liability on the grounds that they are not negligent in this regard;
 - 1.3.4.3 to accompany each consignment with a precise statement of its contents; this statement should, in particular, specify the reference numbers of the SIDs in each package.
 - 1.3.5 ensure that the agreement includes a provision to allow for completion if the original contractor is unable to continue;
 - 1.3.6 satisfy itself, before signing the agreement, that the enterprise has the means of properly performing all the above obligations.
- 1.4 If the blank SIDs are to be supplied by an authority or enterprise outside the Member’s territory, the competent authority of the Member may mandate an appropriate authority in the foreign country to ensure that the requirements recommended in this section are met.
- 1.5 The competent authority should inter alia:
 - 1.5.1 establish detailed specifications for all materials to be used in the production of the blank SIDs; these materials should conform to the general specifications set out in Annex I to this Convention;
 - 1.5.2 establish precise specifications relating to the form and content of the blank SIDs as set out in Annex I;
 - 1.5.3 ensure that the specifications enable uniformity in the printing of blank SIDs if different printers are subsequently used;
 - 1.5.4 provide clear directions for the generation of a unique document number to be printed on each blank SID in a sequential manner in accordance with Annex I; and
 - 1.5.5 establish precise specifications governing the custody of all materials during the production process.

2. Custody, handling and accountability for blank and completed SIDs
 - 2.1 All operations relating to the issuance process (including the custody of blank, voided and completed SIDs, the implements and materials for completing them, the processing of applications, the issuance of SIDs, the maintenance and the security of databases) should be carried out under the direct control of the issuing authority.
 - 2.2 The issuing authority should prepare an appraisal of all officials involved in the issuance process establishing, in the case of each of them, a record of reliability, trustworthiness and loyalty.
 - 2.3 The issuing authority should ensure that no officials involved in the issuance process are members of the same immediate family.
 - 2.4 The individual responsibilities of the officials involved in the issuance process should be adequately defined by the issuing authority.
 - 2.5 No single official should be responsible for carrying out all the operations required in the processing of an application for a SID and the preparation of the corresponding SID. The official who assigns applications to an official responsible for issuing SIDs should not be involved in the issuance process. There should be a rotation in the officials assigned to the different duties related to the processing of applications and the issuance of SIDs.
 - 2.6 The issuing authority should draw up internal rules ensuring:
 - 2.6.1 that the blank SIDs are kept secured and released only to the extent necessary to meet expected day-to-day operations and only to the officials responsible for completing them into personalized SIDs or to any specially authorized official, and that surplus blank SIDs are returned at the end of each day; measures to secure SIDs should be understood as including the use of devices for the prevention of unauthorized access and detection of intruders;
 - 2.6.2 that any blank SIDs used as specimens are defaced and marked as such;
 - 2.6.3 that each day a record, to be stored in a safe place, is maintained of the whereabouts of each blank SID and of each personalized SID that has not yet been issued, also identifying those that are secured and those that are in the possession of a specified official or officials; the record should be maintained by an official who is not involved in the handling of the blank SIDs or SIDs that have not yet been issued;
 - 2.6.4 that no person should have access to the blank SIDs and to the implements and materials for completing them other than the officials responsible for completing the blank SIDs or any specially authorized official;
 - 2.6.5 that each personalized SID is kept secured and released only to the official responsible for issuing the SID or to any specially authorized official;
 - 2.6.5.1 the specially authorized officials should be limited to:
 - (a) persons acting under the written authorization of the executive head of the authority or of any person officially representing the executive head, and
 - (b) the controller referred to in section 5 below and persons appointed to carry out an audit or other control;
 - 2.6.6 that officials are strictly prohibited from any involvement in the issuance process for a SID applied for by a member of their family or a close friend;
 - 2.6.7 that any theft or attempted theft of SIDs or of implements or materials for personalizing them should be promptly reported to the police authorities for investigation.
 - 2.7 Errors in the issuance process should invalidate the SID concerned, which may not be corrected and issued.

3. Processing of applications; suspension or withdrawal of SIDs; appeal procedures
 - 3.1 The issuing authority should ensure that all officials with responsibility concerning the review of applications for SIDs have received relevant training in fraud detection and in the use of computer technology.
 - 3.2 The issuing authority should draw up rules ensuring that SIDs are issued only on the basis of: an application completed and signed by the seafarer concerned; proof of identity; proof of nationality or permanent residence; and proof that the applicant is a seafarer.
 - 3.3 The application should contain all the information specified as mandatory in Annex I to this Convention. The application form should require applicants to note that they will be liable to prosecution and penal sanctions if they make any statement that they know to be false.
 - 3.4 When a SID is first applied for, and whenever subsequently considered necessary on the occasion of a renewal:
 - 3.4.1 the application, completed except for the signature, should be presented by the applicant in person, to an official designated by the issuing authority;
 - 3.4.2 a digital or original photograph and the biometric of the applicant should be taken under the control of the designated official;
 - 3.4.3 the application should be signed in the presence of the designated official;
 - 3.4.4 the application should then be transmitted by the designated official directly to the issuing authority for processing.
 - 3.5 Adequate measures should be adopted by the issuing authority to ensure the security and the confidentiality of the digital or original photograph and the biometric.
 - 3.6 The proof of identity provided by the applicant should be in accordance with the laws and practice of the issuing State. It may consist of a recent photograph of the applicant, certified as being a true likeness of him or her by the shipowner or shipmaster or other employer of the applicant or the director of the applicant's training establishment.
 - 3.7 The proof of nationality or permanent residence will normally consist of the applicant's passport or certificate of admission as a permanent resident.
 - 3.8 Applicants should be asked to declare all other nationalities that they may possess and affirm that they have not been issued with and have not applied for a SID from any other Member.
 - 3.9 The applicant should not be issued with a SID for so long as he or she possesses another SID.
 - 3.9.1 An early renewal system should apply in circumstances where a seafarer is aware in advance that the period of service is such that he or she will be unable to make his or her application at the date of expiry or renewal;
 - 3.9.2 An extension system should apply in circumstances where an extension of a SID is required due to an unforeseen extension of the period of service;
 - 3.9.3 A replacement system should apply in circumstances where a SID is lost. A suitable temporary document can be issued.
 - 3.10 The proof that the applicant is a seafarer, within the meaning of Article 1 of this Convention should at least consist of:
 - 3.10.1 a previous SID, or a seafarers' discharge book; or
 - 3.10.2 a certificate of competency, qualification or other relevant training; or
 - 3.10.3 equally cogent evidence.
 - 3.11 Supplementary proof should be sought where deemed appropriate.
 - 3.12 All applications should be subject to at least the following verifications by a competent official of the issuing authority of SIDs:

- 3.12.1 verification that the application is complete and shows no inconsistency raising doubts as to the truth of the statements made;
- 3.12.2 verification that the details given and the signature correspond to those on the applicant's passport or other reliable document;
- 3.12.3 verification, with the passport authority or other competent authority, of the genuineness of the passport or other document produced; where there is reason to doubt the genuineness of the passport, the original should be sent to the authority concerned; otherwise, a copy of the relevant pages may be sent;
- 3.12.4 comparison of the photograph provided, where appropriate, with the digital photograph referred to in section 3.4.2 above;
- 3.12.5 verification of the apparent genuineness of the certification referred to in section 3.6 above;
- 3.12.6 verification that the proof referred to in section 3.10 substantiates that the applicant is indeed a seafarer;
- 3.12.7 verification, in the database referred to in Article 4 of the Convention, to ensure that a person corresponding to the applicant has not already been issued with a SID; if the applicant has or may have more than one nationality or any permanent residence outside the country of nationality, the necessary inquiries should also be made with the competent authorities of the other country or countries concerned;
- 3.12.8 verification, in any relevant national or international database that may be accessible to the issuing authority, to ensure that a person corresponding to the applicant does not constitute a possible security risk.
- 3.13 The official referred to in section 3.12 above should prepare brief notes for the record indicating the results of each of the above verifications, and drawing attention to the facts that justify the conclusion that the applicant is a seafarer.
- 3.14 Once fully checked, the application, accompanied by the supporting documents and the notes for the record, should be forwarded to the official responsible for completion of the SID to be issued to the applicant.
- 3.15 The completed SID, accompanied by the related file in the issuing authority, should then be forwarded to a senior official of that authority for approval.
- 3.16 The senior official should give such approval only if satisfied, after review of at least the notes for the record, that the procedures have been properly followed and that the issuance of the SID to the applicant is justified.
- 3.17 This approval should be given in writing and be accompanied by explanations concerning any features of the application that need special consideration.
- 3.18 The SID (together with the passport or similar document provided) should be handed to the applicant directly against receipt, or sent to the applicant or, if the latter has so requested, to his or her shipmaster or employer in both cases by reliable postal communication requiring advice of receipt.
- 3.19 When the SID is issued to the applicant, the particulars specified in Annex II to the Convention should be entered in the database referred to in Article 4 of the Convention.
- 3.20 The rules of the issuing authority should specify a maximum period for receipt after dispatch. If advice of receipt is not received within that period and after due notification of the seafarer, an appropriate annotation should be made in the database and the SID should be officially reported as lost and the seafarer informed.
- 3.21 All annotations to be made, such as, in particular, the brief notes for the record (see section 3.13 above) and the explanations referred to in section 3.17, should be kept in a safe place during the period of validity of the SID and for three years afterwards. Those annotations and explanations required by section 3.17 should be recorded in

- a separate internal database, and rendered accessible: (a) to persons responsible for monitoring operations; (b) to officials involved in the review of applications for SIDs; and (c) for training purposes.
- 3.22 When information is received suggesting that a SID was wrongly issued or that the conditions for its issue are no longer applicable, the matter should be promptly notified to the issuing authority with a view to its rapid withdrawal.
- 3.23 When a SID is suspended or withdrawn the issuing authority should immediately update its database to indicate that this SID is not currently recognized.
- 3.24 If an application for a SID is refused or a decision is taken to suspend or withdraw a SID, the applicant should be officially informed of his or her right of appeal and fully informed of the reasons for the decision.
- 3.25 The procedures for appeal should be as rapid as possible and consistent with the need for fair and complete consideration.
4. Operation, security and maintenance of the database
- 4.1 The issuing authority should make the necessary arrangements and rules to implement Article 4 of this Convention, ensuring in particular:
- 4.1.1 the availability of a focal point or electronic access over 24 hours a day, seven days a week, as required under paragraphs 4, 5 and 6 of Article 4 of the Convention;
- 4.1.2 the security of the database;
- 4.1.3 the respect for individual rights in the storage, handling and communication of data;
- 4.1.4 the respect for the seafarer's right to verify the accuracy of data relating to him or her and to have corrected, in a timely manner, any inaccuracies found.
- 4.2 The issuing authority should draw up adequate procedures for protecting the database, including:
- 4.2.1 a requirement for the regular creation of back-up copies of the database, to be stored on media held in a safe location away from the premises of the issuing authority;
- 4.2.2 the restriction to specially authorized officials of permission to access or make changes to an entry in the database once the entry has been confirmed by the official making it.
5. Quality control of procedures and periodic evaluations
- 5.1 The issuing authority should appoint a senior official of recognized integrity, loyalty and reliability, who is not involved in the custody or handling of SIDs, to act as controller:
- 5.1.1 to monitor on a continuous basis the implementation of these minimum requirements;
- 5.1.2 to draw immediate attention to any shortcomings in the implementation;
- 5.1.3 to provide the executive head and the concerned officials with advice on improvements to the procedures for the issuance of SIDs; and
- 5.1.4 to submit a quality-control report to management on the above. The controller should, if possible, be familiar with all the operations to be monitored.
- 5.2 The controller should report directly to the executive head of the issuing authority.
- 5.3 All officials of the issuing authority, including the executive head, should be placed under a duty to provide the controller with all documentation or information that the controller considers relevant to the performance of his or her tasks.
- 5.4 The issuing authority should make appropriate arrangements to ensure that officials can speak freely to the controller without fear of victimization.
- 5.5 The terms of reference of the controller should require that particular attention be given to the following tasks:

- 5.5.1 verifying that the resources, premises, equipment and staff are sufficient for the efficient performance of the functions of the issuing authority;
 - 5.5.2 ensuring that the arrangements for the safe custody of the blank and completed SIDs are adequate;
 - 5.5.3 ensuring that adequate rules, arrangements or procedures are in place in accordance with sections 2.6, 3.2, 4 and 5.4 above.
 - 5.5.4 ensuring that those rules and procedures, as well as arrangements, are well known and understood by the officials concerned;
 - 5.5.5 detailed monitoring on a random basis of each action carried out, including the related annotations and other records, in processing particular cases, from the receipt of the application for a SID to the end of the procedure for its issuance;
 - 5.5.6 verification of the efficacy of the security measures used for the custody of blank SIDs, implements and materials;
 - 5.5.7 verification, if necessary with the aid of a trusted expert, of the security and veracity of the information stored electronically and that the requirement for 24 hours a day, seven days a week access is maintained;
 - 5.5.8 investigating any reliable report of a possible wrongful issuance of a SID or of a possible falsification or fraudulent obtention of a SID, in order to identify any internal malpractice or weakness in systems that could have resulted in or assisted the wrongful issuance or falsification or fraud;
 - 5.5.9 investigating complaints alleging inadequate access to the details in the database given the requirements of paragraphs 2, 3 and 5 of Article 4 of the Convention, or inaccuracies in those details;
 - 5.5.10 ensuring that reports identifying improvements to the issuance procedures and areas of weakness have been acted upon in a timely and effective manner by the executive head of the issuing authority;
 - 5.5.11 maintaining records of quality-control checks that have been carried out;
 - 5.5.12 ensuring that management reviews of quality-control checks have been performed and that records of such reviews are maintained.
- 5.6 The executive head of the issuing authority should ensure a periodic evaluation of the reliability of the issuance system and procedures, and of their conformity with the requirements of this Convention. Such evaluation should take into account the following:
- 5.6.1 findings of any audits of the issuance system and procedures;
 - 5.6.2 reports and findings of investigations and of other indications relevant to the effectiveness of corrective action taken as a result of reported weaknesses or breaches of security;
 - 5.6.3 records of SIDs issued, lost, voided or spoiled;
 - 5.6.4 records relating to the functioning of quality control;
 - 5.6.5 records of problems with respect to the reliability or security of the electronic database, including inquiries made to the database;
 - 5.6.6 effects of changes to the issuance system and procedures resulting from technological improvements or innovations in the SID issuance procedures;
 - 5.6.7 conclusions of management reviews;
 - 5.6.8 audit of procedures to ensure that they are applied in a manner consistent with respect for fundamental principles and rights at work embodied in relevant ILO instruments.
- 5.7 Procedures and processes should be put in place to prevent unauthorized disclosure of reports provided by other Members.
- 5.8 All audit procedures and processes should ensure that the production techniques and security practices, including the stock control procedures, are sufficient to meet the requirements of this Annex.

2. Social security

Seafarers' Pensions Convention, 1946 (No. 71)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	10 Oct 1962	Seattle, ILC 28th Session (28 June 1946)	13

The General Conference of the International Labour Organisation,
 Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and
 Having decided upon the adoption of certain proposals with regard to seafarers' pensions, which is included in the second item on the agenda of the Session, and
 Having determined that these proposals shall take the form of an international Convention, adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Seafarers' Pensions Convention, 1946:

Article 1

In this Convention the term *seafarer* includes every person employed on board or in the service of any sea-going vessel, other than a ship of war, which is registered in a territory for which the Convention is in force.

Article 2

1. Each Member of the International Labour Organisation for which this Convention is in force shall, in accordance with national laws or regulations, establish or secure the establishment of a scheme for the payment of pensions to seafarers on retirement from sea service.

2. The scheme may embody such exceptions as the Member deems necessary in respect of:

- (a) persons employed on board or in the service of:
 - (i) vessels of public authorities when such vessels are not engaged in trade;
 - (ii) vessels which are not engaged in the transport of cargo or passengers for the purpose of trade;
 - (iii) fishing vessels;
 - (iv) vessels engaged in hunting seals;
 - (v) vessels of less than 200 gross register tons;
 - (vi) wooden ships of primitive build such as dhows and junks;
 - (vii) in so far as ships registered in India are concerned and for a period not exceeding five years from the date of the registration of the ratification of the Convention by India, home-trade vessels of a gross register tonnage not exceeding 300 tons;
- (b) members of the shipowner's family;
- (c) pilots not members of the crew;
- (d) persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff;
- (e) persons employed in port who are not ordinarily employed at sea;
- (f) salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention;

- (g) persons not remunerated for their services or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits;
- (h) persons working exclusively on their own account;
- (i) persons employed on board or in the service of whale-catching, floating factory or transport vessels or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers concerned;
- (j) persons not resident in the territory of the Member;
- (k) persons not nationals of the Member.

Article 3

1. The scheme shall comply with one of the following conditions:
 - (a) the pensions provided by the scheme:
 - (i) shall be payable to seafarers having completed a prescribed period of sea service on attaining the age of fifty-five or sixty years as may be prescribed by the scheme; and
 - (ii) shall, together with any other social security pension payable simultaneously to the pensioner, be at a rate not less than the total obtained by computing for each year of his sea service 1.5 per cent. of the remuneration on the basis of which contributions were paid in respect of him for that year if the scheme provides pensions on attaining the age of fifty-five years or 2 per cent. of such remuneration if the scheme provides pensions at the age of sixty years; or
 - (b) the scheme shall provide pensions the financing of which, together with the financing of any other social security pension payable simultaneously to the pensioner and any social security benefits payable to the dependants (as defined by national laws or regulations) of deceased pensioners, requires a premium income from all sources which is not less than 10 per cent. of the total remuneration on the basis of which contributions are paid to the scheme.
2. Seafarers collectively shall not contribute more than half the cost of the pensions payable under the scheme.

Article 4

1. The scheme shall make appropriate provision for the maintenance of rights in course of acquisition by persons ceasing to be subject thereto or for the payment to such persons of a benefit representing a return for the contributions credited to their account.
2. The scheme shall grant a right of appeal in any dispute arising thereunder.
3. The scheme may provide for the forfeiture or suspension of the right to a pension in whole or in part if the person concerned has acted fraudulently.
4. The shipowners and the seafarers who contribute to the cost of the pensions payable under the scheme shall be entitled to participate through representatives in the management of the scheme.

Fishermen*

Work in Fishing Convention, 2007 (No. 188)	877
Work in Fishing Recommendation, 2007 (No. 199)	900
Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)	906
Medical Examination (Fishermen) Convention, 1959 (No. 113)	915
Fishermen's Articles of Agreement Convention, 1959 (No. 114)	917
Fishermen's Competency Certificates Convention, 1966 (No. 125)	920
Vocational Training (Fishermen) Recommendation, <1966 (No. 126)	924

* The Work in Fishing Convention, 2007 (No. 188), revises four conventions on work in the fishing sector and the Work in Fishing Recommendation, 2007 (No. 199), replaces two recommendations. Convention No. 188 has not yet entered into force. Pending its entry into force, the Conventions concerned – marked with an asterisks – are listed with their current status. This status will be reviewed once Convention No. 188 enters into force.

1) Outdated instrument: *Minimum Age (Fishermen) Convention, 1959 (No. 112). 2) Replaced recommendations: *Hours of Work (Fishing) Recommendation, 1920 (No. 7); Work in Fishing Recommendation, 2005 (No. 196).

Work in Fishing Convention, 2007 (No. 188)

Status	Entry into force	Ratifications as of 1st of October 2014
Up-to-date technical instrument	Geneva, ILC 96th Session (14 June 2007)	5

The General Conference of the International Labour Organization,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its ninety-sixth Session on 30 May 2007, and
 Recognizing that globalization has a profound impact on the fishing sector, and
 Noting the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and
 Taking into consideration the fundamental rights to be found in the following international labour Conventions: the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and
 Noting the relevant instruments of the International Labour Organization, in particular the Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164), 1981, and the Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985, and
 Noting, in addition, the Social Security (Minimum Standards) Convention, 1952 (No. 102), and considering that the provisions of Article 77 of that Convention should not be an obstacle to protection extended by Members to fishers under social security schemes, and
 Recognizing that the International Labour Organization considers fishing as a hazardous occupation when compared to other occupations, and
 Noting also Article 1, paragraph 3, of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and
 Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and
 Mindful of the need to protect and promote the rights of fishers in this regard, and
 Recalling the United Nations Convention on the Law of the Sea, 1982, and
 Taking into account the need to revise the following international Conventions adopted by the International Labour Conference specifically concerning the fishing sector, namely the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), to bring them up to date and to reach a greater number of the world's fishers, particularly those working on board smaller vessels, and
 Noting that the objective of this Convention is to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security, and

Having decided upon the adoption of certain proposals with regard to work in the fishing sector, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this fourteenth day of June of the year two thousand and seven the following Convention, which may be cited as the Work in Fishing Convention, 2007.

Part I. Definitions and scope

Definitions

Article 1

For the purposes of the Convention:

- (a) **commercial fishing** means all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing;
- (b) **competent authority** means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;
- (c) **consultation** means consultation by the competent authority with the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist;
- (d) **fishing vessel owner** means the owner of the fishing vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with the Convention, regardless of whether any other organization or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner;
- (e) **fisher** means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers;
- (f) **fisher's work agreement** means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisher's living and working conditions on board a vessel;
- (g) **fishing vessel** or **vessel** means any ship or boat, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing;
- (h) **gross tonnage** means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it;
- (i) **length (L)** shall be taken as 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline;
- (j) **length overall (LOA)** shall be taken as the distance in a straight line parallel to the designed waterline between the foremost point of the bow and the aftermost point of the stern;
- (k) **recruitment and placement service** means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, fishing vessel owners;
- (l) **skipper** means the fisher having command of a fishing vessel.

Scope

Article 2

1. Except as otherwise provided herein, this Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations.
2. In the event of doubt as to whether a vessel is engaged in commercial fishing, the question shall be determined by the competent authority after consultation.
3. Any Member, after consultation, may extend, in whole or in part, to fishers working on smaller vessels the protection provided in this Convention for fishers working on vessels of 24 metres in length and over.

Article 3

1. Where the application of the Convention raises special problems of a substantial nature in the light of the particular conditions of service of the fishers or of the fishing vessels' operations concerned, a Member may, after consultation, exclude from the requirements of this Convention, or from certain of its provisions:
 - (a) fishing vessels engaged in fishing operations in rivers, lakes or canals;
 - (b) limited categories of fishers or fishing vessels.
2. In case of exclusions under the preceding paragraph, and where practicable, the competent authority shall take measures, as appropriate, to extend progressively the requirements under this Convention to the categories of fishers and fishing vessels concerned.
3. Each Member which ratifies this Convention shall:
 - (a) in its first report on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:
 - (i) list any categories of fishers or fishing vessels excluded under paragraph 1;
 - (ii) give the reasons for any such exclusions, stating the respective positions of the representative organizations of employers and workers concerned, in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
 - (iii) describe any measures taken to provide equivalent protection to the excluded categories; and
 - (b) in subsequent reports on the application of the Convention, describe any measures taken in accordance with paragraph 2.

Article 4

1. Where it is not immediately possible for a Member to implement all of the measures provided for in this Convention owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions, the Member may, in accordance with a plan drawn up in consultation, progressively implement all or some of the following provisions:
 - (a) Article 10, paragraph 1;
 - (b) Article 10, paragraph 3, in so far as it applies to vessels remaining at sea for more than three days;
 - (c) Article 15;
 - (d) Article 20;
 - (e) Article 33; and
 - (f) Article 38
2. Paragraph 1 does not apply to fishing vessels which:
 - (a) are 24 metres in length and over; or
 - (b) remain at sea for more than seven days; or

- (c) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater; or
 - (d) are subject to port State control as provided for in Article 43 of this Convention, except where port State control arises through a situation of force majeure, nor to fishers working on such vessels.
3. Each Member which avails itself of the possibility afforded in paragraph 1 shall:
- (a) in its first report on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:
 - (i) indicate the provisions of the Convention to be progressively implemented;
 - (ii) explain the reasons and state the respective positions of representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
 - (iii) describe the plan for progressive implementation; and
 - (b) in subsequent reports on the application of this Convention, describe measures taken with a view to giving effect to all of the provisions of the Convention.

Article 5

1. For the purpose of this Convention, the competent authority, after consultation, may decide to use length overall (LOA) in place of length (L) as the basis for measurement, in accordance with the equivalence set out in Annex I. In addition, for the purpose of the paragraphs specified in Annex III of this Convention, the competent authority, after consultation, may decide to use gross tonnage in place of length (L) or length overall (LOA) as the basis for measurement in accordance with the equivalence set out in Annex III.

2. In the reports submitted under article 22 of the Constitution, the Member shall communicate the reasons for the decision taken under this Article and any comments arising from the consultation.

Part II. General principles

Implementation

Article 6

1. Each Member shall implement and enforce laws, regulations or other measures that it has adopted to fulfil its commitments under this Convention with respect to fishers and fishing vessels under its jurisdiction. Other measures may include collective agreements, court decisions, arbitration awards, or other means consistent with national law and practice.

2. Nothing in this Convention shall affect any law, award or custom, or any agreement between fishing vessel owners and fishers, which ensures more favourable conditions than those provided for in this Convention.

Competent authority and coordination

Article 7

Each Member shall:

- (a) designate the competent authority or authorities; and
- (b) establish mechanisms for coordination among relevant authorities for the fishing sector at the national and local levels, as appropriate, and define their functions and responsibilities, taking into account their complementarities and national conditions and practice.

Responsibilities of fishing vessel owners, skippers and fishers

Article 8

1. The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with the obligations of this Convention.

2. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to the following areas:

- (a) providing such supervision as will ensure that, as far as possible, fishers perform their work in the best conditions of safety and health;
- (b) managing the fishers in a manner which respects safety and health, including prevention of fatigue;
- (c) facilitating on-board occupational safety and health awareness training; and
- (d) ensuring compliance with safety of navigation, watchkeeping and associated good seamanship standards.

3. The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgement of the skipper, is necessary for the safety of the vessel and its safe navigation and safe operation, or the safety of the fishers on board.

4. Fishers shall comply with the lawful orders of the skipper and applicable safety and health measures.

Part III. Minimum requirements for work on board fishing vessels

Minimum age

Article 9

1. The minimum age for work on board a fishing vessel shall be 16 years. However, the competent authority may authorize a minimum age of 15 for persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing.

2. The competent authority, in accordance with national laws and practice, may authorize persons of the age of 15 to perform light work during school holidays. In such cases, it shall determine, after consultation, the kinds of work permitted and shall prescribe the conditions in which such work shall be undertaken and the periods of rest required.

3. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years.

4. The types of activities to which paragraph 3 of this Article applies shall be determined by national laws or regulations, or by the competent authority, after consultation, taking into account the risks concerned and the applicable international standards.

5. The performance of the activities referred to in paragraph 3 of this Article as from the age of 16 may be authorized by national laws or regulations, or by decision of the competent authority, after consultation, on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training.

6. The engagement of fishers under the age of 18 for work at night shall be prohibited. For the purpose of this Article, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and

ending no earlier than 5 a.m. An exception to strict compliance with the night work restriction may be made by the competent authority when:

- (a) the effective training of the fishers concerned, in accordance with established programmes and schedules, would be impaired; or
- (b) the specific nature of the duty or a recognized training programme requires that fishers covered by the exception perform duties at night and the authority determines, after consultation, that the work will not have a detrimental impact on their health or well-being.

7. Nothing in this Article shall affect any obligations assumed by the Member arising from the ratification of any other international labour Convention.

Medical examination

Article 10

1. No fishers shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties.

2. The competent authority, after consultation, may grant exemptions from the application of paragraph 1 of this Article, taking into account the safety and health of fishers, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation.

3. The exemptions in paragraph 2 of this Article shall not apply to a fisher working on a fishing vessel of 24 metres in length and over or which normally remains at sea for more than three days. In urgent cases, the competent authority may permit a fisher to work on such a vessel for a period of a limited and specified duration until a medical certificate can be obtained, provided that the fisher is in possession of an expired medical certificate of a recent date.

Article 11

Each Member shall adopt laws, regulations or other measures providing for:

- (a) the nature of medical examinations;
- (b) the form and content of medical certificates;
- (c) the issue of a medical certificate by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate; these persons shall enjoy full independence in exercising their professional judgement;
- (d) the frequency of medical examinations and the period of validity of medical certificates;
- (e) the right to a further examination by a second independent medical practitioner in the event that a person has been refused a certificate or has had limitations imposed on the work he or she may perform; and
- (f) other relevant requirements.

Article 12

In addition to the requirements set out in Article 10 and Article 11, on a fishing vessel of 24 metres in length and over, or on a vessel which normally remains at sea for more than three days:

- 1. The medical certificate of a fisher shall state, at a minimum, that:
 - (a) the hearing and sight of the fisher concerned are satisfactory for the fisher's duties on the vessel; and
 - (b) the fisher is not suffering from any medical condition likely to be aggravated by service at sea or to render the fisher unfit for such service or to endanger the safety or health of other persons on board.

2. The medical certificate shall be valid for a maximum period of two years unless the fisher is under the age of 18, in which case the maximum period of validity shall be one year.

3. If the period of validity of a certificate expires in the course of a voyage, the certificate shall remain in force until the end of that voyage.

Part IV. Conditions of service

Manning and hours of rest

Article 13

Each Member shall adopt laws, regulations or other measures requiring that owners of fishing vessels flying its flag ensure that:

- (a) their vessels are sufficiently and safely manned for the safe navigation and operation of the vessel and under the control of a competent skipper; and
- (b) fishers are given regular periods of rest of sufficient length to ensure safety and health.

Article 14

1. In addition to the requirements set out in Article 13, the competent authority shall:

- (a) for vessels of 24 metres in length and over, establish a minimum level of manning for the safe navigation of the vessel, specifying the number and the qualifications of the fishers required;
- (b) for fishing vessels regardless of size remaining at sea for more than three days, after consultation and for the purpose of limiting fatigue, establish the minimum hours of rest to be provided to fishers. Minimum hours of rest shall not be less than:
 - (i) ten hours in any 24-hour period; and
 - (ii) 77 hours in any seven-day period.

2. The competent authority may permit, for limited and specified reasons, temporary exceptions to the limits established in paragraph 1(b) of this Article. However, in such circumstances, it shall require that fishers shall receive compensatory periods of rest as soon as practicable.

3. The competent authority, after consultation, may establish alternative requirements to those in paragraphs 1 and 2 of this Article. However, such alternative requirements shall be substantially equivalent and shall not jeopardize the safety and health of the fishers.

4. Nothing in this Article shall be deemed to impair the right of the skipper of a vessel to require a fisher to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea. Accordingly, the skipper may suspend the schedule of hours of rest and require a fisher to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the skipper shall ensure that any fishers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Crew list

Article 15

Every fishing vessel shall carry a crew list, a copy of which shall be provided to authorized persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel. The competent authority shall determine to whom and when such information shall be provided and for what purpose or purposes.

*Fisher's work agreement**Article 16*

Each Member shall adopt laws, regulations or other measures:

- (a) requiring that fishers working on vessels flying its flag have the protection of a fisher's work agreement that is comprehensible to them and is consistent with the provisions of this Convention; and
- (b) specifying the minimum particulars to be included in fishers' work agreements in accordance with the provisions contained in Annex II.

Article 17

Each Member shall adopt laws, regulations or other measures regarding:

- (a) procedures for ensuring that a fisher has an opportunity to review and seek advice on the terms of the fisher's work agreement before it is concluded;
- (b) where applicable, the maintenance of records concerning the fisher's work under such an agreement; and
- (c) the means of settling disputes in connection with a fisher's work agreement.

Article 18

The fisher's work agreement, a copy of which shall be provided to the fisher, shall be carried on board and be available to the fisher and, in accordance with national law and practice, to other concerned parties on request.

Article 19

Articles 16 to 18 and Annex II do not apply to a fishing vessel owner who is also single-handedly operating the vessel.

Article 20

It shall be the responsibility of the fishing vessel owner to ensure that each fisher has a written fisher's work agreement signed by both the fisher and the fishing vessel owner or by an authorized representative of the fishing vessel owner (or, where fishers are not employed or engaged by the fishing vessel owner, the fishing vessel owner shall have evidence of contractual or similar arrangements) providing decent work and living conditions on board the vessel as required by this Convention.

*Repatriation**Article 21*

1. Members shall ensure that fishers on a fishing vessel that flies their flag and that enters a foreign port are entitled to repatriation in the event that the fisher's work agreement has expired or has been terminated for justified reasons by the fisher or by the fishing vessel owner, or the fisher is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out in the specific circumstances. This also applies to fishers from that vessel who are transferred for the same reasons from the vessel to the foreign port.

2. The cost of the repatriation referred to in paragraph 1 of this Article shall be borne by the fishing vessel owner, except where the fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of his or her work agreement obligations.

3. Members shall prescribe, by means of laws, regulations or other measures, the precise circumstances entitling a fisher covered by paragraph 1 of this Article to repatriation, the maximum duration of service periods on board following which a fisher is entitled to repatriation, and the destinations to which fishers may be repatriated.

4. If a fishing vessel owner fails to provide for the repatriation referred to in this Article, the Member whose flag the vessel flies shall arrange for the repatriation of the fisher concerned and shall be entitled to recover the cost from the fishing vessel owner.

5. National laws and regulations shall not prejudice any right of the fishing vessel owner to recover the cost of repatriation under third party contractual agreements.

Recruitment and placement

Recruitment and placement of fishers

Article 22

1. Each Member that operates a public service providing recruitment and placement for fishers shall ensure that the service forms part of, or is coordinated with, a public employment service for all workers and employers.

2. Any private service providing recruitment and placement for fishers which operates in the territory of a Member shall do so in conformity with a standardized system of licensing or certification or other form of regulation, which shall be established, maintained or modified only after consultation.

3. Each Member shall, by means of laws, regulations or other measures:

- (a) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work;
- (b) require that no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher; and
- (c) determine the conditions under which any licence, certificate or similar authorization of a private recruitment or placement service may be suspended or withdrawn in case of violation of relevant laws or regulations; and specify the conditions under which private recruitment and placement services can operate.

Private employment agencies

4. A Member which has ratified the Private Employment Agencies Convention, 1997 (No. 181), may allocate certain responsibilities under this Convention to private employment agencies that provide the services referred to in paragraph 1(b) of Article 1 of that Convention. The respective responsibilities of any such private employment agencies and of the fishing vessel owners, who shall be the “user enterprise” for the purpose of that Convention, shall be determined and allocated, as provided for in Article 12 of that Convention. Such a Member shall adopt laws, regulations or other measures to ensure that no allocation of the respective responsibilities or obligations to the private employment agencies providing the service and to the “user enterprise” pursuant to this Convention shall preclude the fisher from asserting a right to a lien arising against the fishing vessel.

5. Notwithstanding the provisions of paragraph 4, the fishing vessel owner shall be liable in the event that the private employment agency defaults on its obligations to a fisher for whom, in the context of the Private Employment Agencies Convention, 1997 (No. 181), the fishing vessel owner is the “user enterprise”.

6. Nothing in this Convention shall be deemed to impose on a Member the obligation to allow the operation in its fishing sector of private employment agencies as referred to in paragraph 4 of this Article.

Payment of fishers

Article 23

Each Member, after consultation, shall adopt laws, regulations or other measures providing that fishers who are paid a wage are ensured a monthly or other regular payment.

Article 24

Each Member shall require that all fishers working on board fishing vessels shall be given a means to transmit all or part of their payments received, including advances, to their families at no cost.

Part V. Accommodation and food

Article 25

Each Member shall adopt laws, regulations or other measures for fishing vessels that fly its flag with respect to accommodation, food and potable water on board.

Article 26

Each Member shall adopt laws, regulations or other measures requiring that accommodation on board fishing vessels that fly its flag shall be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures shall address, as appropriate, the following issues:

- (a) approval of plans for the construction or modification of fishing vessels in respect of accommodation;
- (b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions;
- (c) ventilation, heating, cooling and lighting;
- (d) mitigation of excessive noise and vibration;
- (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;
- (f) sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and
- (g) procedures for responding to complaints concerning accommodation that does not meet the requirements of this Convention.

Article 27

Each Member shall adopt laws, regulations or other measures requiring that:

- (a) the food carried and served on board be of a sufficient nutritional value, quality and quantity;
- (b) potable water be of sufficient quality and quantity; and
- (c) the food and water shall be provided by the fishing vessel owner at no cost to the fisher. However, in accordance with national laws and regulations, the cost can be recovered as an operational cost if the collective agreement governing a share system or a fisher's work agreement so provides.

Article 28

1. The laws, regulations or other measures to be adopted by the Member in accordance with Articles 25 to 27 shall give full effect to Annex III concerning fishing vessel accommodation Annex III may be amended in the manner provided for in Article 45.

2. A Member which is not in a position to implement the provisions of Annex III may, after consultation, adopt provisions in its laws and regulations or other measures which are substantially equivalent to the provisions set out in Annex III, with the exception of provisions related to Article 27.

Part VI. Medical care, health protection and social security

Medical care

Article 29

Each Member shall adopt laws, regulations or other measures requiring that:

- (a) fishing vessels carry appropriate medical equipment and medical supplies for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (b) fishing vessels have at least one fisher on board who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies for the vessel concerned, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (c) medical equipment and supplies carried on board be accompanied by instructions or other information in a language and format understood by the fisher or fishers referred to in subparagraph (b);
- (d) fishing vessels be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage; and
- (e) fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness.

Article 30

For fishing vessels of 24 metres in length and over, taking into account the number of fishers on board, the area of operation and the duration of the voyage, each Member shall adopt laws, regulations or other measures requiring that:

- (a) the competent authority prescribe the medical equipment and medical supplies to be carried on board;
- (b) the medical equipment and medical supplies carried on board be properly maintained and inspected at regular intervals established by the competent authority by responsible persons designated or approved by the competent authority;
- (c) the vessels carry a medical guide adopted or approved by the competent authority, or the latest edition of the *International Medical Guide for Ships*;
- (d) the vessels have access to a prearranged system of medical advice to vessels at sea by radio or satellite communication, including specialist advice, which shall be available at all times;
- (e) the vessels carry on board a list of radio or satellite stations through which medical advice can be obtained; and
- (f) to the extent consistent with the Member's national law and practice, medical care while the fisher is on board or landed in a foreign port be provided free of charge to the fisher.

Occupational safety and health and accident prevention

Article 31

Each Member shall adopt laws, regulations or other measures concerning:

- (a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;
- (b) training for fishers in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged;
- (c) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of the safety and health of fishers under the age of 18;
- (d) the reporting and investigation of accidents on board fishing vessels flying its flag; and
- (e) the setting up of joint committees on occupational safety and health or, after consultation, of other appropriate bodies.

Article 32

1. The requirements of this Article shall apply to fishing vessels of 24 metres in length and over normally remaining at sea for more than three days and, after consultation, to other vessels, taking into account the number of fishers on board, the area of operation, and the duration of the voyage.

2. The competent authority shall:

- (a) after consultation, require that the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; and
- (b) require that fishing vessel owners, skippers, fishers and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels.

3. Fishing vessel owners shall:

- (a) ensure that every fisher on board is provided with appropriate personal protective clothing and equipment;
- (b) ensure that every fisher on board has received basic safety training approved by the competent authority; the competent authority may grant written exemptions from this requirement for fishers who have demonstrated equivalent knowledge and experience; and
- (c) ensure that fishers are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned.

Article 33

Risk evaluation in relation to fishing shall be conducted, as appropriate, with the participation of fishers or their representatives.

Social security

Article 34

Each Member shall ensure that fishers ordinarily resident in its territory, and their dependants to the extent provided in national law, are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers, including employed and self-employed persons, ordinarily resident in its territory.

Article 35

Each Member shall undertake to take steps, according to national circumstances, to achieve progressively comprehensive social security protection for all fishers who are ordinarily resident in its territory.

Article 36

Members shall cooperate through bilateral or multilateral agreements or other arrangements, in accordance with national laws, regulations or practice:

- (a) to achieve progressively comprehensive social security protection for fishers, taking into account the principle of equality of treatment irrespective of nationality; and
- (b) to ensure the maintenance of social security rights which have been acquired or are in the course of acquisition by all fishers regardless of residence.

Article 37

Notwithstanding the attribution of responsibilities in Articles 34, 35 and 36, Members may determine, through bilateral and multilateral agreements and through provisions adopted in the framework of regional economic integration organizations, other rules concerning the social security legislation to which fishers are subject.

*Protection in the case of work-related sickness, injury or death**Article 38*

1. Each Member shall take measures to provide fishers with protection, in accordance with national laws, regulations or practice, for work-related sickness, injury or death.

2. In the event of injury due to occupational accident or disease, the fisher shall have access to:

- (a) appropriate medical care; and
- (b) the corresponding compensation in accordance with national laws and regulations.

3. Taking into account the characteristics within the fishing sector, the protection referred to in paragraph 1 of this Article may be ensured through:

- (a) a system for fishing vessel owners' liability; or
- (b) compulsory insurance, workers' compensation or other schemes.

Article 39

1. In the absence of national provisions for fishers, each Member shall adopt laws, regulations or other measures to ensure that fishing vessel owners are responsible for the provision to fishers on vessels flying its flag, of health protection and medical care while employed or engaged or working on a vessel at sea or in a foreign port. Such laws, regulations or other measures shall ensure that fishing vessel owners are responsible for defraying the expenses of medical care, including related material assistance and support, during medical treatment in a foreign country, until the fisher has been repatriated.

2. National laws or regulations may permit the exclusion of the liability of the fishing vessel owner if the injury occurred otherwise than in the service of the vessel or the sickness or infirmity was concealed during engagement, or the injury or sickness was due to wilful misconduct of the fisher.

Part VII. Compliance and enforcement

Article 40

Each Member shall effectively exercise its jurisdiction and control over vessels that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention including, as appropriate, inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws or regulations.

Article 41

1. Members shall require that fishing vessels remaining at sea for more than three days, which:

- (a) are 24 metres in length and over; or
- (b) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater,

carry a valid document issued by the competent authority stating that the vessel has been inspected by the competent authority or on its behalf, for compliance with the provisions of this Convention concerning living and working conditions.

2. The period of validity of such document may coincide with the period of validity of a national or an international fishing vessel safety certificate, but in no case shall such period of validity exceed five years.

Article 42

1. The competent authority shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under Article 41.

2. In establishing an effective system for the inspection of living and working conditions on board fishing vessels, a Member, where appropriate, may authorize public institutions or other organizations that it recognizes as competent and independent to carry out inspections and issue documents. In all cases, the Member shall remain fully responsible for the inspection and issuance of the related documents concerning the living and working conditions of the fishers on fishing vessels that fly its flag.

Article 43

1. A Member which receives a complaint or obtains evidence that a fishing vessel that flies its flag does not conform to the requirements of this Convention shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.

2. If a Member, in whose port a fishing vessel calls in the normal course of its business or for operational reasons, receives a complaint or obtains evidence that such vessel does not conform to the requirements of this Convention, it may prepare a report addressed to the government of the flag State of the vessel, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.

3. In taking the measures referred to in paragraph 2 of this Article, the Member shall notify forthwith the nearest representative of the flag State and, if possible, shall have such representative present. The Member shall not unreasonably detain or delay the vessel.

4. For the purpose of this Article, the complaint may be submitted by a fisher, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the vessel, including an interest in safety or health hazards to the fishers on board.

5. This Article does not apply to complaints which a Member considers to be manifestly unfounded.

Article 44

Each Member shall apply this Convention in such a way as to ensure that the fishing vessels flying the flag of any State that has not ratified this Convention do not receive more favourable treatment than fishing vessels that fly the flag of any Member that has ratified it.

Part VIII. Amendment of Annexes I, II, and III*Article 45*

1. Subject to the relevant provisions of this Convention, the International Labour Conference may amend Annexes I, II and III. The Governing Body of the International Labour Office may place an item on the agenda of the Conference regarding proposals for such amendments established by a tripartite meeting of experts. The decision to adopt the proposals shall require a majority of two-thirds of the votes cast by the delegates present at the Conference, including at least half the Members that have ratified this Convention.

2. Any amendment adopted in accordance with paragraph 1 of this Article shall enter into force six months after the date of its adoption for any Member that has ratified this Convention, unless such Member has given written notice to the Director-General of the International Labour Office that it shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification.

Part IX. Final provisions*Article 46*

This Convention revises the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).

ANNEX I**Equivalence in measurement**

For the purpose of this Convention, where the competent authority, after consultation, decides to use length overall (LOA) rather than length (L) as the basis of measurement:

- (a) a length overall (LOA) of 16.5 metres shall be considered equivalent to a length (L) of 15 metres;
- (b) a length overall (LOA) of 26.5 metres shall be considered equivalent to a length (L) of 24 metres;
- (c) a length overall (LOA) of 50 metres shall be considered equivalent to a length (L) of 45 metres.

ANNEX II**Fisher's work agreement**

The fisher's work agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable:

- (a) the fisher's family name and other names, date of birth or age, and birthplace;

- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work;
- (d) the name of the employer, or fishing vessel owner, or other party to the agreement with the fisher;
- (e) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (f) the capacity in which the fisher is to be employed or engaged;
- (g) if possible, the place at which and date on which the fisher is required to report on board for service;
- (h) the provisions to be supplied to the fisher, unless some alternative system is provided for by national law or regulation;
- (i) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
- (j) the termination of the agreement and the conditions thereof, namely:
 - (i) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
 - (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the employer, or fishing vessel owner or other party to the agreement with the fisher;
- (k) the protection that will cover the fisher in the event of sickness, injury or death in connection with service;
- (l) the amount of paid annual leave or the formula used for calculating leave, where applicable;
- (m) the health and social security coverage and benefits to be provided to the fisher by the employer, fishing vessel owner, or other party or parties to the fisher's work agreement, as applicable;
- (n) the fisher's entitlement to repatriation;
- (o) a reference to the collective bargaining agreement, where applicable;
- (p) the minimum periods of rest, in accordance with national laws, regulations or other measures; and
- (q) any other particulars which national law or regulation may require.

ANNEX III

Fishing vessel accommodation

General provisions

1. For the purposes of this Annex:

- (a) "new fishing vessel" means a vessel for which:
 - (i) the building or major conversion contract has been placed on or after the date of the entry into force of the Convention for the Member concerned; or
 - (ii) the building or major conversion contract has been placed before the date of the entry into force of the Convention for the Member concerned, and which is delivered three years or more after that date; or

- (iii) in the absence of a building contract, on or after the date of the entry into force of the Convention for the Member concerned:
 - the keel is laid, or
 - construction identifiable with a specific vessel begins, or
 - assembly has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less;
- (b) “existing vessel” means a vessel that is not a new fishing vessel.

2. The following shall apply to all new, decked fishing vessels, subject to any exclusions provided for in accordance with Article 3 of the Convention. The competent authority may, after consultation, also apply the requirements of this Annex to existing vessels, when and in so far as it determines that this is reasonable and practicable.

3. The competent authority, after consultation, may permit variations to the provisions of this Annex for fishing vessels normally remaining at sea for less than 24 hours where the fishers do not live on board the vessel in port. In the case of such vessels, the competent authority shall ensure that the fishers concerned have adequate facilities for resting, eating and sanitation purposes.

4. Any variations made by a Member under paragraph 3 of this Annex shall be reported to the International Labour Office under article 22 of the Constitution of the International Labour Organisation.

5. The requirements for vessels of 24 metres in length and over may be applied to vessels between 15 and 24 metres in length where the competent authority determines, after consultation, that this is reasonable and practicable.

6. Fishers working on board feeder vessels which do not have appropriate accommodation and sanitary facilities shall be provided with such accommodation and facilities on board the mother vessel.

7. Members may extend the requirements of this Annex regarding noise and vibration, ventilation, heating and air conditioning, and lighting to enclosed working spaces and spaces used for storage if, after consultation, such application is considered appropriate and will not have a negative influence on the function of the process or working conditions or the quality of the catches.

8. The use of gross tonnage as referred to in Article 5 of the Convention is limited to the following specified paragraphs of this Annex: 14, 37, 38, 41, 43, 46, 49, 53, 55, 61, 64, 65 and 67. For these purposes, where the competent authority, after consultation, decides to use gross tonnage (gt) as the basis of measurement:

- (a) a gross tonnage of 75 gt shall be considered equivalent to a length (L) of 15 metres or a length overall (LOA) of 16.5 metres;
- (b) a gross tonnage of 300 gt shall be considered equivalent to a length (L) of 24 metres or a length overall (LOA) of 26.5 metres;
- (c) a gross tonnage of 950 gt shall be considered equivalent to a length (L) of 45 metres or a length overall (LOA) of 50 metres.

Planning and control

9. The competent authority shall satisfy itself that, on every occasion when a vessel is newly constructed or the crew accommodation of a vessel has been reconstructed, such vessel complies with the requirements of this Annex. The competent authority shall, to the extent practicable, require compliance with this Annex when the crew accommodation of a vessel is substantially altered and, for a vessel that changes the flag it flies to the flag of the Member, require compliance with those requirements of this Annex that are applicable in accordance with paragraph 2 of this Annex.

10. For the occasions noted in paragraph 9 of this Annex, for vessels of 24 metres in length and over, detailed plans and information concerning accommodation shall be required to be submitted for approval to the competent authority, or an entity authorized by it.

11. For vessels of 24 metres in length and over, on every occasion when the crew accommodation of the fishing vessel has been reconstructed or substantially altered, the competent authority shall inspect the accommodation for compliance with the requirements of the Convention, and when the vessel changes the flag it flies to the flag of the Member, for compliance with those requirements of this Annex that are applicable in accordance with paragraph 2 of this Annex. The competent authority may carry out additional inspections of crew accommodation at its discretion.

12. When a vessel changes flag, any alternative requirements which the competent authority of the Member whose flag the ship was formerly flying may have adopted in accordance with paragraphs 15, 39, 47 or 62 of this Annex cease to apply to the vessel.

Design and construction

Headroom

13. There shall be adequate headroom in all accommodation spaces. For spaces where fishers are expected to stand for prolonged periods, the minimum headroom shall be prescribed by the competent authority.

14. For vessels of 24 metres in length and over, the minimum permitted headroom in all accommodation where full and free movement is necessary shall not be less than 200 centimetres.

15. Notwithstanding the provisions of paragraph 14, the competent authority may, after consultation, decide that the minimum permitted headroom shall not be less than 190 centimetres in any space – or part of any space – in such accommodation, where it is satisfied that this is reasonable and will not result in discomfort to the fishers.

Openings into and between accommodation spaces

16. There shall be no direct openings into sleeping rooms from fish rooms and machinery spaces, except for the purpose of emergency escape. Where reasonable and practicable, direct openings from galleys, storerooms, drying rooms or communal sanitary areas shall be avoided unless expressly provided otherwise.

17. For vessels of 24 metres in length and over, there shall be no direct openings, except for the purpose of emergency escape, into sleeping rooms from fish rooms and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or another approved material and shall be watertight and gas-tight. This provision does not exclude the possibility of sanitary areas being shared between two cabins.

Insulation

18. Accommodation spaces shall be adequately insulated; the materials used to construct internal bulkheads, panelling and sheeting, and floors and joinings shall be suitable for the purpose and shall be conducive to ensuring a healthy environment. Sufficient drainage shall be provided in all accommodation spaces.

Other

19. All practicable measures shall be taken to protect fishing vessels' crew accommodation against flies and other insects, particularly when vessels are operating in mosquito-infested areas.

20. Emergency escapes from all crew accommodation spaces shall be provided as necessary.

Noise and vibration

21. The competent authority shall take measures to limit excessive noise and vibration in accommodation spaces and, as far as practicable, in accordance with relevant international standards.

22. For vessels of 24 metres in length and over, the competent authority shall adopt standards for noise and vibration in accommodation spaces which shall ensure adequate protection to fishers from the effects of such noise and vibration, including the effects of noise- and vibration-induced fatigue.

Ventilation

23. Accommodation spaces shall be ventilated, taking into account climatic conditions. The system of ventilation shall supply air in a satisfactory condition whenever fishers are on board.

24. Ventilation arrangements or other measures shall be such as to protect non-smokers from tobacco smoke.

25. Vessels of 24 metres in length and over shall be equipped with a system of ventilation for accommodation, which shall be controlled so as to maintain the air in a satisfactory condition and to ensure sufficiency of air movement in all weather conditions and climates. Ventilation systems shall be in operation at all times when fishers are on board.

Heating and air conditioning

26. Accommodation spaces shall be adequately heated, taking into account climatic conditions.

27. For vessels of 24 metres in length and over, adequate heat shall be provided, through an appropriate heating system, except in fishing vessels operating exclusively in tropical climates. The system of heating shall provide heat in all conditions, as necessary, and shall be in operation when fishers are living or working on board, and when conditions so require.

28. For vessels of 24 metres in length and over, with the exception of those regularly engaged in areas where temperate climatic conditions do not require it, air conditioning shall be provided in accommodation spaces, the bridge, the radio room and any centralized machinery control room.

Lighting

29. All accommodation spaces shall be provided with adequate light.

30. Wherever practicable, accommodation spaces shall be lit with natural light in addition to artificial light. Where sleeping spaces have natural light, a means of blocking the light shall be provided.

31. Adequate reading light shall be provided for every berth in addition to the normal lighting of the sleeping room.

32. Emergency lighting shall be provided in sleeping rooms.

33. Where a vessel is not fitted with emergency lighting in mess rooms, passageways, and any other spaces that are or may be used for emergency escape, permanent night lighting shall be provided in such spaces.

34. For vessels of 24 metres in length and over, lighting in accommodation spaces shall meet a standard established by the competent authority. In any part of the accommodation space available for free movement, the minimum standard for such lighting shall be such as to permit a person with normal vision to read an ordinary printed newspaper on a clear day.

Sleeping rooms

General

35. Where the design, dimensions or purpose of the vessel allow, the sleeping accommodation shall be located so as to minimize the effects of motion and acceleration but shall in no case be located forward of the collision bulkhead.

Floor area

36. The number of persons per sleeping room and the floor area per person, excluding space occupied by berths and lockers, shall be such as to provide adequate space and comfort for the fishers on board, taking into account the service of the vessel.

37. For vessels of 24 metres in length and over but which are less than 45 metres in length, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 1.5 square metres.

38. For vessels of 45 metres in length and over, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 2 square metres.

39. Notwithstanding the provisions of paragraphs 37 and 38, the competent authority may, after consultation, decide that the minimum permitted floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 1.0 and 1.5 square metres respectively, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers.

Persons per sleeping room

40. To the extent not expressly provided otherwise, the number of persons allowed to occupy each sleeping room shall not be more than six.

41. For vessels of 24 metres in length and over, the number of persons allowed to occupy each sleeping room shall not be more than four. The competent authority may permit exceptions to this requirement in particular cases if the size, type or intended service of the vessel makes the requirement unreasonable or impracticable.

42. To the extent not expressly provided otherwise, a separate sleeping room or sleeping rooms shall be provided for officers, wherever practicable.

43. For vessels of 24 metres in length and over, sleeping rooms for officers shall be for one person wherever possible and in no case shall the sleeping room contain more than two berths. The competent authority may permit exceptions to the requirements of this paragraph in particular cases if the size, type or intended service of the vessel makes the requirements unreasonable or impracticable.

Other

44. The maximum number of persons to be accommodated in any sleeping room shall be legibly and indelibly marked in a place in the room where it can be conveniently seen.

45. Individual berths of appropriate dimensions shall be provided. Mattresses shall be of a suitable material.

46. For vessels of 24 metres in length and over, the minimum inside dimensions of the berths shall not be less than 198 by 80 centimetres.

47. Notwithstanding the provisions of paragraph 46, the competent authority may, after consultation, decide that the minimum inside dimensions of the berths shall not be less than 190 by 70 centimetres, where it is satisfied that this is reasonable and will not result in discomfort to the fishers.

48. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness. Equipment provided shall include berths, individual lockers sufficient for clothing and other personal effects, and a suitable writing surface.

49. For vessels of 24 metres in length and over, a desk suitable for writing, with a chair, shall be provided.

50. Sleeping accommodation shall be situated or equipped, as practicable, so as to provide appropriate levels of privacy for men and for women.

Mess rooms

51. Mess rooms shall be as close as possible to the galley, but in no case shall be located forward of the collision bulkhead.

52. Vessels shall be provided with mess-room accommodation suitable for their service. To the extent not expressly provided otherwise, mess-room accommodation shall be separate from sleeping quarters, where practicable.

53. For vessels of 24 metres in length and over, mess-room accommodation shall be separate from sleeping quarters.

54. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

55. For vessels of 24 metres in length and over, a refrigerator of sufficient capacity and facilities for making hot and cold drinks shall be available and accessible to fishers at all times.

Tubs or showers, toilets and washbasins

56. Sanitary facilities, which include toilets, washbasins, and tubs or showers, shall be provided for all persons on board, as appropriate for the service of the vessel. These facilities shall meet at least minimum standards of health and hygiene and reasonable standards of quality.

57. The sanitary accommodation shall be such as to eliminate contamination of other spaces as far as practicable. The sanitary facilities shall allow for reasonable privacy.

58. Cold fresh water and hot fresh water shall be available to all fishers and other persons on board, in sufficient quantities to allow for proper hygiene. The competent authority may establish, after consultation, the minimum amount of water to be provided.

59. Where sanitary facilities are provided, they shall be fitted with ventilation to the open air, independent of any other part of the accommodation.

60. All surfaces in sanitary accommodation shall be such as to facilitate easy and effective cleaning. Floors shall have a non-slip deck covering.

61. On vessels of 24 metres in length and over, for all fishers who do not occupy rooms to which sanitary facilities are attached, there shall be provided at least one tub or shower or both, one toilet, and one washbasin for every four persons or fewer.

62. Notwithstanding the provisions of paragraph 61, the competent authority may, after consultation, decide that there shall be provided at least one tub or shower or both and one washbasin for every six persons or fewer, and at least one toilet for every eight persons or fewer, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers.

Laundry facilities

63. Amenities for washing and drying clothes shall be provided as necessary, taking into account the service of the vessel, to the extent not expressly provided otherwise.

64. For vessels of 24 metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided.

65. For vessels of 45 metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided in a compartment separate from sleeping rooms, mess rooms and toilets, and shall be adequately ventilated, heated and equipped with lines or other means for drying clothes.

Facilities for sick and injured fishers

66. Whenever necessary, a cabin shall be made available for a fisher who suffers illness or injury.

67. For vessels of 45 metres in length and over, there shall be a separate sick bay. The space shall be properly equipped and shall be maintained in a hygienic state.

Other facilities

68. A place for hanging foul-weather gear and other personal protective equipment shall be provided outside of, but convenient to, sleeping rooms.

Bedding, mess utensils and miscellaneous provisions

69. Appropriate eating utensils, and bedding and other linen shall be provided to all fishers on board. However, the cost of the linen can be recovered as an operational cost if the collective agreement or the fisher's work agreement so provides.

Recreational facilities

70. For vessels of 24 metres in length and over, appropriate recreational facilities, amenities and services shall be provided for all fishers on board. Where appropriate, mess rooms may be used for recreational activities.

Communication facilities

71. All fishers on board shall be given reasonable access to communication facilities, to the extent practicable, at a reasonable cost and not exceeding the full cost to the fishing vessel owner.

Galley and food storage facilities

72. Cooking equipment shall be provided on board. To the extent not expressly provided otherwise, this equipment shall be fitted, where practicable, in a separate galley.

73. The galley, or cooking area where a separate galley is not provided, shall be of adequate size for the purpose, well lit and ventilated, and properly equipped and maintained.

74. For vessels of 24 metres in length and over, there shall be a separate galley.

75. The containers of butane or propane gas used for cooking purposes in a galley shall be kept on the open deck and in a shelter which is designed to protect them from external heat sources and external impact.

76. A suitable place for provisions of adequate capacity shall be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores and, to the extent not expressly provided otherwise, refrigerators or other low-temperature storage shall be used, where possible.

77. For vessels of 24 metres in length and over, a provisions storeroom and refrigerator and other low-temperature storage shall be used.

Food and potable water

78. Food and potable water shall be sufficient, having regard to the number of fishers, and the duration and nature of the voyage. In addition, they shall be suitable in respect of nutritional value, quality, quantity and variety, having regard as well to the fishers' religious requirements and cultural practices in relation to food.

79. The competent authority may establish requirements for the minimum standards and quantity of food and water to be carried on board.

Clean and habitable conditions

80. Accommodation shall be maintained in a clean and habitable condition and shall be kept free of goods and stores which are not the personal property of the occupants or for their safety or rescue.

81. Galley and food storage facilities shall be maintained in a hygienic condition.

82. Waste shall be kept in closed, well-sealed containers and removed from food-handling areas whenever necessary.

Inspections by the skipper or under the authority of the skipper

83. For vessels of 24 metres in length and over, the competent authority shall require frequent inspections to be carried out, by or under the authority of the skipper, to ensure that:

- (a) accommodation is clean, decently habitable and safe, and is maintained in a good state of repair;
- (b) food and water supplies are sufficient; and
- (c) galley and food storage spaces and equipment are hygienic and in a proper state of repair.

The results of such inspections, and the actions taken to address any deficiencies found, shall be recorded and available for review.

Variations

84. The competent authority, after consultation, may permit derogations from the provisions in this Annex to take into account, without discrimination, the interests of fishers having differing and distinctive religious and social practices, on condition that such derogations do not result in overall conditions less favourable than those which would result from the application of this Annex.

Work in Fishing Recommendation, 2007 (No. 199)

Status	Adoption
Up-to-date instrument	Geneva, ILC 96th Session (14 June 2007)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its ninety-sixth Session on 30 May 2007, and

Noting the Vocational Training (Fishermen) Recommendation, 1966 (No. 126), and

Taking into account the need to supersede the Work in Fishing Recommendation, 2005 (No. 196), which revised the Hours of Work (Fishing) Recommendation, 1920 (No. 7), and

Having decided upon the adoption of certain proposals with regard to work in the fishing sector, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Work in Fishing Convention, 2007 (hereinafter referred to as “the Convention”) and superseding the Work in Fishing Recommendation, 2005 (No. 196);

adopts this fourteenth day of June of the year two thousand and seven the following Recommendation, which may be cited as the Work in Fishing Recommendation, 2007.

Part I. Conditions for work on board fishing vessels

Protection of young persons

1. Members should establish the requirements for the pre-sea training of persons between the ages of 16 and 18 working on board fishing vessels, taking into account international instruments concerning training for work on board fishing vessels, including occupational safety and health issues such as night work, hazardous tasks, work with dangerous machinery, manual handling and transport of heavy loads, work in high latitudes, work for excessive periods of time and other relevant issues identified after an assessment of the risks concerned.

2. The training of persons between the ages of 16 and 18 might be provided through participation in an apprenticeship or approved training programme, which should operate under established rules and be monitored by the competent authority, and should not interfere with the person’s general education.

3. Members should take measures to ensure that the safety, lifesaving and survival equipment carried on board fishing vessels carrying persons under the age of 18 is appropriate for the size of such persons.

4. The working hours of fishers under the age of 18 should not exceed eight hours per day and 40 hours per week, and they should not work overtime except where unavoidable for safety reasons.

5. Fishers under the age of 18 should be assured sufficient time for all meals and a break of at least one hour for the main meal of the day.

Medical examination

6. When prescribing the nature of the examination, Members should pay due regard to the age of the person to be examined and the nature of the duties to be performed.

7. The medical certificate should be signed by a medical practitioner approved by the competent authority.

8. Arrangements should be made to enable a person who, after examination, is determined to be unfit for work on board fishing vessels or certain types of fishing vessels, or for certain types of work on board, to apply for a further examination by a medical referee or referees who should be independent of any fishing vessel owner or of any organization of fishing vessel owners or fishers.

9. The competent authority should take into account international guidance on medical examination and certification of persons working at sea, such as the (ILO/WHO) *Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers*.

10. For fishers exempted from the application of the provisions concerning medical examination in the Convention, the competent authority should take adequate measures to provide health surveillance for the purpose of occupational safety and health.

Competency and training

11. Members should:

- (a) take into account generally accepted international standards concerning training and competencies of fishers in determining the competencies required for skippers, mates, engineers and other persons working on board fishing vessels;
- (b) address the following issues, with regard to the vocational training of fishers: national planning and administration, including coordination; financing and training standards; training programmes, including pre-vocational training and also short courses for working fishers; methods of training; and international cooperation; and
- (c) ensure that there is no discrimination with regard to access to training.

Part II. Conditions of service

Record of service

12. At the end of each contract, a record of service in regard to that contract should be made available to the fisher concerned, or entered in the fisher's service book.

Special measures

13. For fishers excluded from the scope of the Convention, the competent authority should take measures to provide them with adequate protection with respect to their conditions of work and means of dispute settlement.

Payment of fishers

14. Fishers should have the right to advances against earnings under prescribed conditions.

15. For vessels of 24 metres in length and over, all fishers should be entitled to minimum payment in accordance with national laws, regulations or collective agreements.

Part III. Accommodation

16. When establishing requirements or guidance, the competent authority should take into account relevant international guidance on accommodation, food, and health and hygiene relating to persons working or living on board vessels, including the most recent editions of the (FAO/ILO/IMO) *Code of Safety for Fishermen and Fishing Vessels* and the (FAO/ILO/IMO) *Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels*.

17. The competent authority should work with relevant organizations and agencies to develop and disseminate educational material and on-board information and guidance concerning safe and healthy accommodation and food on board fishing vessels.

18. Inspections of crew accommodation required by the competent authority should be carried out together with initial or periodic surveys or inspections for other purposes.

Design and construction

19. Adequate insulation should be provided for exposed decks over crew accommodation spaces, external bulkheads of sleeping rooms and mess rooms, machinery casings and boundary bulkheads of galleys and other spaces in which heat is produced, and, as necessary, to prevent condensation or overheating in sleeping rooms, mess rooms, recreation rooms and passageways.

20. Protection should be provided from the heat effects of any steam or hot water service pipes. Main steam and exhaust pipes should not pass through crew accommodation or through

passageways leading to crew accommodation. Where this cannot be avoided, pipes should be adequately insulated and encased.

21. Materials and furnishings used in accommodation spaces should be impervious to dampness, easy to keep clean and not likely to harbour vermin.

Noise and vibration

22. Noise levels for working and living spaces, which are established by the competent authority, should be in conformity with the guidelines of the International Labour Organization on exposure levels to ambient factors in the workplace and, where applicable, the specific protection recommended by the International Maritime Organization, together with any subsequent amending and supplementary instruments for acceptable noise levels on board ships.

23. The competent authority, in conjunction with the competent international bodies and with representatives of organizations of fishing vessel owners and fishers and taking into account, as appropriate, relevant international standards, should review on an ongoing basis the problem of vibration on board fishing vessels with the objective of improving the protection of fishers, as far as practicable, from the adverse effects of vibration.

(1) Such review should cover the effect of exposure to excessive vibration on the health and comfort of fishers and the measures to be prescribed or recommended to reduce vibration on fishing vessels to protect fishers.

(2) Measures to reduce vibration, or its effects, to be considered should include:

- (a) instruction of fishers in the dangers to their health of prolonged exposure to vibration;
- (b) provision of approved personal protective equipment to fishers where necessary; and
- (c) assessment of risks and reduction of exposure in sleeping rooms, mess rooms, recreational accommodation and catering facilities and other fishers' accommodation by adopting measures in accordance with the guidance provided by the (ILO) *Code of practice on ambient factors in the workplace* and any subsequent revisions, taking into account the difference between exposure in the workplace and in the living space.

Heating

24. The heating system should be capable of maintaining the temperature in crew accommodation at a satisfactory level, as established by the competent authority, under normal conditions of weather and climate likely to be met with on service, and should be designed so as not to endanger the safety or health of the fishers or the safety of the vessel.

Lighting

25. Methods of lighting should not endanger the safety or health of the fishers or the safety of the vessel.

Sleeping rooms

26. Each berth should be fitted with a comfortable mattress with a cushioned bottom or a combined mattress, including a spring bottom, or a spring mattress. The cushioning material used should be made of approved material. Berths should not be placed side by side in such a way that access to one berth can be obtained only over another. The lower berth in a double tier should not be less than 0.3 metres above the floor, and the upper berth should be fitted with a dust-proof bottom and placed approximately midway between the bottom of the lower berth and the lower side of the deck head beams. Berths should not be arranged in tiers of more than two. In the case of berths placed along the vessel's side, there should be only a single tier when a sidelight is situated above a berth.

27. Sleeping rooms should be fitted with curtains for the sidelights, as well as a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

28. As far as practicable, berthing of crew members should be so arranged that watches are separated and that no day worker shares a room with a watchkeeper.

29. On vessels of 24 metres in length and over, separate sleeping rooms for men and for women should be provided.

Sanitary accommodation

30. Sanitary accommodation spaces should have:

- (a) floors of approved durable material which can be easily cleaned, and which are impervious to dampness and properly drained;
- (b) bulkheads of steel or other approved material which should be watertight up to at least 0.23 metres above the level of the deck;
- (c) sufficient lighting, heating and ventilation; and
- (d) soil pipes and waste pipes of adequate dimensions which are constructed so as to minimize the risk of obstruction and to facilitate cleaning; such pipes should not pass through fresh water or drinking-water tanks, nor should they, if practicable, pass overhead in mess rooms or sleeping accommodation.

31. Toilets should be of an approved type and provided with an ample flush of water, available at all times and independently controllable. Where practicable, they should be situated convenient to, but separate from, sleeping rooms and washrooms. Where there is more than one toilet in a compartment, the toilets should be sufficiently screened to ensure privacy.

32. Separate sanitary facilities should be provided for men and for women.

Recreational facilities

33. Where recreational facilities are required, furnishings should include, as a minimum, a bookcase and facilities for reading, writing and, where practicable, games. Recreational facilities and services should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of fishers resulting from technical, operational and other developments. Consideration should also be given to including the following facilities at no cost to the fishers, where practicable:

- (a) a smoking room;
- (b) television viewing and the reception of radio broadcasts;
- (c) projection of films or video films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
- (d) sports equipment including exercise equipment, table games, and deck games;
- (e) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;
- (f) facilities for recreational handicrafts; and
- (g) electronic equipment such as radio, television, video recorder, CD/DVD player, personal computer and software, and cassette recorder/player.

Food

34. Fishers employed as cooks should be trained and qualified for their position on board.

Part IV. Medical care, health protection and social security

Medical care on board

35. The competent authority should establish a list of medical supplies and equipment appropriate to the risks concerned that should be carried on fishing vessels; such list should include women's sanitary protection supplies together with discreet, environmentally friendly disposal units.

36. Fishing vessels carrying 100 or more fishers should have a qualified medical doctor on board.

37. Fishers should receive training in basic first aid in accordance with national laws and regulations, taking into account applicable international instruments.

38. A standard medical report form should be specially designed to facilitate the confidential exchange of medical and related information concerning individual fishers between the fishing vessel and the shore in cases of illness or injury.

39. For vessels of 24 metres in length and over, in addition to the provisions of Article 32 of the Convention, the following elements should be taken into account:

- (a) when prescribing the medical equipment and supplies to be carried on board, the competent authority should take into account international recommendations in this field, such as those contained in the most recent editions of the (ILO/IMO/ WHO) *International Medical Guide for Ships* and the (WHO) *Model List of Essential Medicines*, as well as advances in medical knowledge and approved methods of treatment;
- (b) inspections of medical equipment and supplies should take place at intervals of no more than 12 months; the inspector should ensure that expiry dates and conditions of storage of all medicines are checked, the contents of the medicine chest are listed and conform to the medical guide used nationally, and medical supplies are labelled with generic names in addition to any brand names used, and with expiry dates and conditions of storage;
- (c) the medical guide should explain how the contents of the medical equipment and supplies are to be used, and should be designed to enable persons other than a medical doctor to care for the sick or injured on board, both with and without medical advice by radio or satellite communication; the guide should be prepared taking into account international recommendations in this field, including those contained in the most recent editions of the (ILO/IMO/WHO) *International Medical Guide for Ships* and the (IMO) *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*; and
- (d) medical advice provided by radio or satellite communication should be available free of charge to all vessels irrespective of the flag they fly.

Occupational safety and health

Research, dissemination of information and consultation

40. In order to contribute to the continuous improvement of safety and health of fishers, Members should have in place policies and programmes for the prevention of accidents on board fishing vessels which should provide for the gathering and dissemination of occupational safety and health materials, research and analysis, taking into consideration technological progress and knowledge in the field of occupational safety and health as well as of relevant international instruments.

41. The competent authority should take measures to ensure regular consultations on safety and health matters with the aim of ensuring that all concerned are kept reasonably informed of national, international and other developments in the field and on their possible application to fishing vessels flying the flag of the Member.

42. When ensuring that fishing vessel owners, skippers, fishers and other relevant persons receive sufficient and suitable guidance, training material, or other appropriate information, the competent authority should take into account relevant international standards, codes, guidance and other information. In so doing, the competent authority should keep abreast of and utilize international research and guidance concerning safety and health in the fishing sector, including relevant research in occupational safety and health in general which may be applicable to work on board fishing vessels.

43. Information concerning particular hazards should be brought to the attention of all fishers and other persons on board through official notices containing instructions or guidance, or other appropriate means.

44. Joint committees on occupational safety and health should be established:

- (a) ashore; or
- (b) on fishing vessels, where determined by the competent authority, after consultation, to be practicable in light of the number of fishers on board the vessel.

Occupational safety and health management systems

45. When establishing methods and programmes concerning safety and health in the fishing sector, the competent authority should take into account any relevant international guidance concerning occupational safety and health management systems, including the Guidelines on occupational safety and health management systems, ILO-OSH 2001.

Risk evaluation

46. (1) Risk evaluation in relation to fishing should be conducted, as appropriate, with the participation of fishers or their representatives and should include:

- (a) risk assessment and management;
- (b) training, taking into consideration the relevant provisions of Chapter III of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F Convention) adopted by the IMO; and
- (c) on-board instruction of fishers.

(2) To give effect to subparagraph (1)(a), Members, after consultation, should adopt laws, regulations or other measures requiring:

- (a) the regular and active involvement of all fishers in improving safety and health by continually identifying hazards, assessing risks and taking action to address risks through safety management;
- (b) an occupational safety and health management system that may include an occupational safety and health policy, provisions for fisher participation and provisions concerning organizing, planning, implementing and evaluating the system and taking action to improve the system; and
- (c) a system for the purpose of assisting in the implementation of a safety and health policy and programme and providing fishers with a forum to influence safety and health matters; on-board prevention procedures should be designed so as to involve fishers in the identification of hazards and potential hazards and in the implementation of measures to reduce or eliminate such hazards.

(3) When developing the provisions referred to in subparagraph (1)(a), Members should take into account the relevant international instruments on risk assessment and management.

Technical specifications

47. Members should address the following, to the extent practicable and as appropriate to the conditions in the fishing sector:

- (a) seaworthiness and stability of fishing vessels;
- (b) radio communications;
- (c) temperature, ventilation and lighting of working areas;
- (d) mitigation of the slipperiness of deck surfaces;
- (e) machinery safety, including guarding of machinery;
- (f) vessel familiarization for fishers and fisheries observers new to the vessel;
- (g) personal protective equipment;
- (h) firefighting and lifesaving;
- (i) loading and unloading of the vessel;
- (j) lifting gear;
- (k) anchoring and mooring equipment;
- (l) safety and health in living quarters;
- (m) noise and vibration in work areas;
- (n) ergonomics, including in relation to the layout of workstations and manual lifting and handling;
- (o) equipment and procedures for the catching, handling, storage and processing of fish and other marine resources;
- (p) vessel design, construction and modification relevant to occupational safety and health;
- (q) navigation and vessel handling;
- (r) hazardous materials used on board the vessel;
- (s) safe means of access to and exit from fishing vessels in port;
- (t) special safety and health requirements for young persons;
- (u) prevention of fatigue; and
- (v) other issues related to safety and health.

48. When developing laws, regulations or other measures concerning technical standards relating to safety and health on board fishing vessels, the competent authority should take into account the most recent edition of the (FAO/ILO/IMO).

Establishment of a list of occupational diseases

49. Members should establish a list of diseases known to arise out of exposure to dangerous substances or conditions in the fishing sector.

Social security

50. For the purpose of extending social security protection progressively to all fishers, Members should maintain up to date information on the following:

- (a) the percentage of fishers covered;
- (b) the range of contingencies covered; and
- (c) the level of benefits.

51. Every person protected under Article 34 of the Convention should have a right of appeal in the case of a refusal of the benefit or of an adverse determination as to the quality or quantity of the benefit.

52. The protections referred to in Articles 38 and 39 of the Convention should be granted throughout the contingency covered.

Part V. Other provisions

53. The competent authority should develop an inspection policy for authorized officers to take the measures referred to in paragraph 2 of Article 43 of the Convention.

54. Members should cooperate with each other to the maximum extent possible in the adoption of internationally agreed guidelines on the policy referred to in paragraph 53 of this Recommendation.

55. A Member, in its capacity as a coastal State, when granting licences for fishing in its exclusive economic zone, may require that fishing vessels comply with the requirements of the Convention. If such licences are issued by coastal States, these States should take into account certificates or other valid documents stating that the vessel concerned has been inspected by the competent authority or on its behalf and has been found to be in compliance with the provisions of the Convention.

Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument subject to a request for information	6 Nov 1968	Geneva, ILC 50th Session (21 June 1966)	23 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fiftieth Session on 1 June 1966, and

Having decided upon the adoption of certain proposals with regard to accommodation on board fishing vessels, which is included in the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-first day of June of the year one thousand nine hundred and sixty-six the following Convention, which may be cited as the Accommodation of Crews (Fishermen) Convention, 1966:

Part I. General provisions

Article 1

1. This Convention applies to all sea-going mechanically propelled ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters and are registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when ships and boats are to be regarded as sea-going for the purpose of this Convention.

3. This Convention does not apply to ships and boats of less than 75 tons: Provided that the Convention shall be applied to ships and boats of between 25 and 75 tons where the competent authority determines, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, that this is reasonable and practicable.

4. The competent authority may, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, use length instead of tonnage as a parameter for the purposes of this Convention, in which event the Convention does not apply to ships and boats of less than 80 feet (24.4 metres) in length: Provided that the Convention shall be applied to ships and boats of between 45 and 80 feet (13.7 and 24.4 metres) in length where the competent authority determines, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, that this is reasonable and practicable.

5. This Convention does not apply to:

- (a) ships and boats normally employed in fishing for sport or recreation;
- (b) ships and boats primarily propelled by sail but having auxiliary engines;
- (c) ships and boats engaged in whaling or similar pursuits;
- (d) fishery research and fishery protection vessels.

6. The following provisions of this Convention do not apply to vessels which normally remain away from their home ports for periods of less than 36 hours and in which the crew does not live permanently on board when in port:

- (a) Article 9, paragraph 4;
- (b) Article 10;
- (c) Article 11;
- (d) Article 12;
- (e) Article 13, paragraph 1;
- (f) Article 14;
- (g) Article 16;

Provided that in such vessels adequate sanitary installations as well as messing and cooking facilities and accommodation for resting shall be provided.

7. The provisions of Part III of this Convention may be varied in the case of any vessel if the competent authority is satisfied, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, that the variations to be made provide corresponding advantages as a result of which the over-all conditions are no less favourable than those that would result from the full application of the provisions of the Convention; particulars of all such variations shall be communicated by the Member to the Director-General of the International Labour Office, who shall notify the Members of the International Labour Organisation.

Article 2

In this Convention:

- (a) the term *fishing vessel* or *vessel* means a ship or boat to which the Convention applies;
- (b) the term *tons* means gross registered tons;

- (c) the term *length* means the length measured from the fore part of the stem on the line of the fore-castle deck to the after side of the head of the sternpost, or to the foreside of the rudderstock where no sternpost exists;
- (d) the term *officer* means a person other than a skipper ranked as an officer by national laws or regulations or, in the absence of any relevant laws or regulations, by collective agreement or custom;
- (e) the term *rating* means a member of the crew other than an officer;
- (f) the term *crew accommodation* includes such sleeping rooms, mess rooms and sanitary accommodation as are provided for the use of the crew;
- (g) the term *prescribed* means prescribed by national laws or regulations, or by the competent authority;
- (h) the term *approved* means approved by the competent authority;
- (i) the term *re-registered* means re-registered on the occasion of a simultaneous change in the territory of registration and in the ownership of the vessel.

Article 3

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure the application of the provisions of Parts II, III and IV of this Convention.

2. The laws or regulations shall:

- (a) require the competent authority to bring them to the notice of all persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) provide for the maintenance of a system of inspection adequate to ensure effective enforcement;
- (d) prescribe adequate penalties for any violation thereof;
- (e) require the competent authority to consult periodically the fishing-vessel owners' and fishermen's organisations, where such exist, in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

Part II. Planning and control of crew accommodation

Article 4

Before the construction of a fishing vessel is begun, and before the crew accommodation of an existing vessel is substantially altered or reconstructed, detailed plans of, and information concerning, the accommodation shall be submitted to the competent authority for approval.

Article 5

1. On every occasion when:

- (a) a fishing vessel is registered or re-registered,
- (b) the crew accommodation of a vessel has been substantially altered or reconstructed, or
- (c) complaint that the crew accommodation is not in compliance with the terms of this Convention has been made to the competent authority, in the prescribed manner and in time to prevent any delay to the vessel, by a recognised fishermen's organisation representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the vessel,

the competent authority shall inspect the vessel and satisfy itself that the crew accommodation complies with the requirements of the laws and regulations.

2. Periodical inspections may be held at the discretion of the competent authority.

Part III. Crew accommodation requirements

Article 6

1. The location, means of access, structure and arrangement of crew accommodation in relation to other spaces shall be such as to ensure adequate security, protection against weather and sea and insulation from heat or cold, undue noise or effluvia from other spaces.
2. Emergency escapes shall be provided from all crew accommodation spaces as necessary.
3. Every effort shall be made to exclude direct openings into sleeping rooms from fish holds and fish meal rooms, from spaces for machinery, from galleys, lamp and paint rooms or from engine, deck and other bulk store rooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.
4. External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated when there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.
5. Internal bulkheads shall be of approved material which is not likely to harbour vermin.
6. Sleeping rooms, mess rooms, recreation rooms and passageways in the crew accommodation space shall be adequately insulated to prevent condensation or over-heating.
7. Main steam and exhaust pipes for winches and similar gear shall, whenever technically possible, not pass through crew accommodation or through passageways leading to crew accommodation; where they do pass through such accommodation or passageways they shall be adequately insulated and encased.
8. Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.
9. The competent authority shall decide to what extent fire prevention or fire retarding measures shall be required to be taken in the construction of the accommodation.
10. The wall surface and deckheads in sleeping rooms and mess rooms shall be easily kept clean and, if painted, shall be light in colour; lime wash must not be used.
11. The wall surfaces shall be renewed or restored as necessary.
12. The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.
13. Overhead exposed decks over crew accommodation shall be sheathed with wood or equivalent insulation.
14. Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices.
15. Sufficient drainage shall be provided.
16. All practicable measures shall be taken to protect crew accommodation against the admission of flies and other insects.

Article 7

1. Sleeping rooms and mess rooms shall be adequately ventilated.
2. The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

3. Vessels regularly engaged on voyages in the tropics and other areas with similar climatic conditions shall, as required by such conditions, be equipped both with mechanical means of ventilation and with electric fans: Provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

4. Vessels engaged elsewhere shall be equipped either with mechanical means of ventilation or with electric fans. The competent authority may exempt vessels normally employed in the cold waters of the northern or southern hemispheres from this requirement.

5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 of this Article shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Article 8

1. An adequate system of heating the crew accommodation shall be provided as required by climatic conditions.

2. The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions so require.

3. Heating by means of open fires shall be prohibited.

4. The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the competent authority shall prescribe the standard to be provided.

5. Radiators and other heating apparatus shall be so placed and, where necessary, shielded and fitted with safety devices as to avoid risk of fire or danger or discomfort to the occupants.

Article 9

1. All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

2. In all vessels electric lights shall, as far as practicable, be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

3. Artificial lighting shall be so disposed as to give maximum benefit to the occupants of the room.

4. Adequate reading light shall be provided for every berth in addition to the normal lighting of the cabin.

5. A permanent blue light shall, in addition, be provided in the sleeping room during the night.

Article 10

1. Sleeping rooms shall be situated amidships or aft; the competent authority may, in particular cases, if the size, type or intended service of the vessel renders any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the vessel, but in no case forward of the collision bulkhead.

2. The floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than:

- (a) in vessels of 25 tons but below 50 tons 5.4 sq.ft. (0.5 sq.m.)
- (b) in vessels of 50 tons but below 100 tons 8.1 sq.ft. (0.75 sq.m.)
- (c) in vessels of 100 tons but below 250 tons 9.7 sq.ft. (0.9 sq.m.)
- (d) in vessels of 250 tons or over 10.8 sq.ft. (1.0 sq.m.)

3. Where the competent authority decides, as provided for in Article 1, paragraph 4, of this Convention, that length shall be the parameter for this Convention, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than:

- (a) in vessels of 45 feet (13.7 m.) but below 65 feet (19.8 m.) in length 5.4 sq.ft. (0.5 sq.m.)
- (b) in vessels of 65 feet (19.8 m.) but below 88 feet (26.8 m.) in length 8.1 sq.ft. (0.75 sq.m.)
- (c) in vessels of 88 feet (26.8 m.) but below 115 feet (35.1 m.) in length 9.7 sq.ft. (0.9 sq.m.)
- (d) in vessels of 115 feet (35.1 m.) in length or over 10.8 sq.ft. (1.0 sq.m.)

4. The clear head room in the crew sleeping room shall, wherever possible, be not less than 6 feet 3 inches (1.90 metres).

5. There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department: Provided that the competent authority may relax this requirement in the case of small vessels.

6. The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima:

- (a) officers: one person per room wherever possible, and in no case more than two;
- (b) ratings: two or three persons per room wherever possible, and in no case more than the following:
 - (i) in vessels of 250 tons and over, four persons;
 - (ii) in vessels under 250 tons, six persons.

7. Where the competent authority decides, as provided for in Article 1, paragraph 4, of this Convention, that length shall be the parameter for this Convention, the number of ratings allowed to occupy sleeping rooms shall in no case be more than the following:

- (a) in vessels of 115 feet (35.1 m.) in length and over, four persons;
- (b) in vessels under 115 feet (35.1 m.) in length, six persons.

8. The competent authority may permit exceptions to the requirements of paragraphs 6 and 7 of this Article in particular cases if the size, type or intended service of the vessel make these requirements unreasonable or impracticable.

9. The maximum number of persons to be accommodated in any sleeping room shall be legibly and indelibly marked in some place in the room where it can conveniently be seen.

10. Members of the crew shall be provided with individual berths.

11. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

12. Berths shall not be arranged in tiers of more than two; in the case of berths placed along the vessel's side, there shall be only a single tier where a sidelight is situated above a berth.

13. The lower berth in a double tier shall not be less than 12 inches (0.30 metre) above the floor; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

14. The minimum inside dimensions of a berth shall wherever practicable be 6 feet 3 inches by 2 feet 3 inches (1.90 metres by 0.68 metre).

15. The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth and not likely to corrode or to harbour vermin.

16. If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

17. Each berth shall be fitted with a spring mattress of approved material or with a spring bottom and a mattress of approved material. Stuffing of straw or other material likely to harbour vermin shall not be used.

18. When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the upper berth.

19. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

20. The furniture shall include a clothes locker for each occupant, fitted with a hasp for a padlock and a rod for holding clothes on hangers. The competent authority shall ensure that the locker is as commodious as practicable.

21. Each sleeping room shall be provided with a table or desk, which may be of the fixed, dropleaf or slide-out type, and with comfortable seating accommodation as necessary.

22. The furniture shall be of smooth, hard material not liable to warp or corrode, or to harbour vermin.

23. The furniture shall include a drawer or equivalent space for each occupant which shall, wherever practicable, be not less than 2 cubic feet (0.056 cubic metre).

24. Sleeping rooms shall be fitted with curtains for the sidelights.

25. Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

26. As far as practicable, berthing of crew members shall be so arranged that watches are separated and that no day-men share a room with watch-keepers.

Article 11

1. Mess room accommodation separate from sleeping quarters shall be provided in all vessels carrying a crew of more than ten persons. Wherever possible it shall be provided also in vessels carrying a smaller crew; if, however, this is impracticable, the mess room may be combined with the sleeping accommodation.

2. In vessels engaged in fishing on the high seas and carrying a crew of more than 20, separate mess room accommodation may be provided for the skipper and officers.

3. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

4. Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

5. Mess rooms shall be as close as practicable to the galley.

6. Where pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing them shall be provided.

7. The tops of tables and seats shall be of damp-resisting material without cracks and easily kept clean.

8. Wherever practicable mess rooms shall be planned, furnished and equipped to give recreational facilities.

Article 12

1. Sufficient sanitary accommodation, including washbasins and tub and/or shower baths, shall be provided in all vessels.

2. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall, wherever practicable, be provided for each department of the crew on the following scale:

- (a) one tub and/or shower bath for every eight persons or less;
- (b) one water closet for every eight persons or less;
- (c) one wash basin for every six persons or less;

Provided that when the number of persons in a department exceeds an even multiple of the specified number by less than one-half of the specified number, this surplus may be ignored for the purpose of this paragraph.

3. Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places. The competent authority, in consultation with the fishing-vessel owners' and fishermen's organisations where such exist, may fix the minimum amount of fresh water which shall be supplied per man per day.

4. Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

5. All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

6. The sanitary equipment to be placed in water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

7. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning. They shall not pass through fresh water or drinking water tanks; neither shall they, if practicable, pass overhead in mess rooms or sleeping accommodation.

8. Sanitary accommodation intended for the use of more than one person shall comply with the following requirements:

- (a) floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained;
- (b) bulkheads shall be of steel or other approved material and shall be watertight up to at least 9 inches (0.23 metre) above the level of the deck;
- (c) the accommodation shall be sufficiently lighted, heated and ventilated;
- (d) water closets shall be situated convenient to, but separate from, sleeping rooms and washrooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access: Provided that this requirement shall not apply where a water closet is located between two sleeping rooms having a total of not more than four persons;
- (e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

9. Facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

10. The facilities for washing clothes shall include suitable sinks equipped with drainage which may be installed in washrooms if separate laundry accommodation is not reasonably practicable. The sinks shall be provided with an adequate supply of cold fresh water and hot fresh water or means of heating water.

11. The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms, mess rooms and water closets, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

Article 13

1. Wherever possible, an isolated cabin shall be provided for a member of the crew who suffers from illness or injury. On vessels of 500 tons or over there shall be a sick bay. Where the competent authority decides, as provided for in Article 1, paragraph 4, of this Convention, that length shall be the parameter for this Convention, there shall be a sick bay on vessels of 150 ft (45.7 metres) in length or over.

2. An approved medicine chest with readily understandable instructions shall be carried in every vessel which does not carry a doctor. In this connection the competent authority shall give consideration to the Ships' Medicine Chests Recommendation, 1958, and the Medical Advice at Sea Recommendation, 1958.

Article 14

Sufficient and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

Article 15

Crew accommodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores which are not the personal property of the occupants.

Article 16

1. Satisfactory cooking equipment shall be provided on board and shall, wherever practicable, be fitted in a separate galley.

2. The galley shall be of adequate dimensions for the purpose and shall be well lighted and ventilated.

3. The galley shall be equipped with cooking utensils, the necessary number of cupboards and shelves, and sinks and dish racks of rust-proof material and with satisfactory drainage. Drinking water shall be supplied to the galley by means of pipes; where it is supplied under pressure, the system shall contain protection against backflow. Where hot water is not supplied to the galley, an apparatus for heating water shall be provided.

4. The galley shall be provided with suitable facilities for the preparation of hot drinks for the crew at all times.

5. A provision storeroom of adequate capacity shall be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores. Where necessary, refrigerators or other low-temperature storage space shall be provided.

6. Where butane or propane gas is used for cooking purposes in the galley the gas containers shall be kept on the open deck.

Part IV. Application to existing ships

Article 17

1. Subject to the provisions of paragraph 2, 3 and 4 of this Article, this Convention applies to vessels the keels of which are laid down subsequent to the coming into force of the Convention for the territory of registration.

2. In the case of a vessel which is fully complete on the date of the coming into force of this Convention for the territory of registration and which is below the standard set by

Part III of this Convention, the competent authority may, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, require such alterations for the purpose of bringing the vessel into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved, to be made when:

- (a) the vessel is re-registered;
- (b) substantial structural alterations or major repairs are made to the vessel as a result of long-range plans and not as a result of an accident or an emergency.

3. In the case of a vessel in the process of building and/or reconversion on the date of the coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, require such alterations for the purpose of bringing the vessel into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved; such alterations shall constitute final compliance with the terms of this Convention, unless and until the vessel be re-registered.

4. In the case of a vessel, other than such a vessel as is referred to in paragraphs 2 and 3 of this Article or a vessel to which the provisions of this Convention were applicable while she was under construction, being re-registered in a territory after the date of the coming into force of this Convention for that territory, the competent authority may, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, require such alterations for the purpose of bringing the vessel into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved; such alterations shall constitute final compliance with the terms of this Convention, unless and until the vessel is again re-registered.

Part V. Final provisions

Article 18

Nothing in this Convention shall affect any law, award, custom or agreement between fishing vessel owners and fishermen which ensures more favourable conditions than those provided than those provided for by this Convention.

Medical Examination (Fishermen) Convention, 1959 (No. 113)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	7 Nov 1961	Geneva, ILC 43rd Session (19 June 1959)	30 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-third Session on 3 June 1959, and

Having decided upon the adoption of certain proposals with regard to the medical examination of fishermen, which is included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this nineteenth day of June of the year one thousand nine hundred and fifty-nine the following Convention, which may be cited as the Medical Examination (Fishermen) Convention, 1959:

Article 1

1. For the purpose of this Convention the term *fishing vessel* includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters.

2. The competent authority may, after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist, grant exemptions from the application of the provisions of this Convention in respect of vessels which do not normally remain at sea for periods of more than three days.

3. This Convention shall not apply to fishing in ports and harbours or in estuaries of rivers, or to individuals fishing for sport or recreation.

Article 2

No person shall be engaged for employment in any capacity on a fishing vessel unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner who shall be approved by the competent authority.

Article 3

1. The competent authority shall, after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate.

2. When prescribing the nature of the examination, due regard shall be had to the age of the person to be examined and the nature of the duties to be performed.

3. In particular the medical certificate shall attest that the person is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

Article 4

1. In the case of young persons of less than twenty-one years of age, the medical certificate shall remain in force for a period not exceeding one year from the date on which it was granted.

2. In the case of persons who have attained the age of twenty-one years, the competent authority shall determine the period for which the medical certificate shall remain in force.

3. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

Article 5

Arrangements shall be made to enable a person who, after examination, has been refused a certificate to apply for a further examination by a medical referee or referees who shall be independent of any fishing-boat owner or of any organisation of fishing-boat owners or fishermen.

Fishermen's Articles of Agreement Convention, 1959 (No. 114)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	7 Nov 1961	Geneva, ILC 43rd Session (19 June 1959)	23 Denounced: 1

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-third Session on 3 June 1959, and
 Having decided upon the adoption of certain proposals with regard to fishermen's articles of agreement, which is included in the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this nineteenth day of June of the year one thousand nine hundred and fifty-nine the following Convention, which may be cited as the Fishermen's Articles of Agreement Convention, 1959:

Article 1

1. For the purpose of this Convention, the term *fishing vessel* includes all registered or documented ships and boats of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters.
2. The competent authority may exempt from the application of the provisions of this Convention fishing vessels of a type and size determined after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist.
3. The competent authority may, if satisfied that the matters dealt with in this Convention are adequately regulated by collective agreements between fishing-boat owners or fishing-boat owners' organisations, and fishermen's organisations, exempt from the provisions of the Convention concerning individual agreements owners and fishermen covered by such collective agreements.

Article 2

For the purpose of this Convention, the term *fisherman* includes every person employed or engaged in any capacity on board any fishing vessel and entered on the ship's articles. It excludes pilots, cadets and duly indentured apprentices, naval ratings, and other persons in the permanent service of a government.

Article 3

1. Articles of agreement shall be signed both by the owner of the fishing vessel or his authorised representative and by the fisherman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the fisherman and, as the case may be, also to his adviser.
2. The fisherman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.
3. The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the owner of the fishing vessel or his authorised representative and by the fisherman.

4. National law shall make adequate provision to ensure that the fisherman has understood the agreement.

5. The agreement shall not contain anything which is contrary to the provisions of national law.

6. National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the owner of the fishing vessel and of the fisherman.

Article 4

1. Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

2. This Article shall not be interpreted as excluding a reference to arbitration.

Article 5

A record of employment shall be maintained for every fisherman by or in a manner prescribed by the competent authority. At the end of each voyage or venture a record of service in regard to that voyage or venture shall be available to the fisherman concerned or entered in his service book.

Article 6

1. The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

2. The agreement shall state clearly the respective rights and obligations of each of the parties.

3. It shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations:

- (a) the surname and other names of the fisherman, the date of his birth or his age, and his birthplace;
- (b) the place at which and date on which the agreement was completed;
- (c) the name of the fishing vessel or vessels on board which the fisherman undertakes to serve;
- (d) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (e) the capacity in which the fisherman is to be employed;
- (f) if possible, the place at which and date on which the fisherman is required to report on board for service;
- (g) the scale of provisions to be supplied to the fisherman, unless some alternative system is provided for by national law;
- (h) the amount of his wages, or the amount of his share and the method of calculating such share if he is to be remunerated on a share basis, or the amount of his wage and share and the method of calculating the latter if he is to be remunerated on a combined basis, and any agreed minimum wage;
- (i) the termination of the agreement and the conditions thereof, that is to say:
 - (i) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisherman shall be discharged;

- (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission: Provided that such period shall not be less for the owner of the fishing vessel than for the fisherman;
- (j) any other particulars which national law may require.

Article 7

If national law provides that a list of crew shall be carried on board the agreement shall either be recorded in or annexed to the list of crew.

Article 8

In order that the fisherman may satisfy himself as to the nature and extent of his rights and obligations the competent authority shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment.

Article 9

An agreement entered into for a voyage, for a definite period, or for an indefinite period, shall be duly terminated by:

- (a) mutual consent of the parties;
- (b) death of the fisherman;
- (c) loss or total unseaworthiness of the fishing vessel;
- (d) any other cause that may be provided for in national law.

Article 10

National law, collective agreements or individual agreements shall determine the circumstances in which the owner or skipper may immediately discharge a fisherman.

Article 11

National law, collective agreements or individual agreements shall also determine the circumstances in which the fisherman may demand his immediate discharge.

Article 12

Except as otherwise provided therein, effect may be given to the provisions of this Convention by national law or by collective agreements.

Fishermen's Competency Certificates Convention, 1966 (No. 125)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	15 July 1969	Geneva, ILC 50th Session (21 June 1966)	10

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fiftieth Session on 1 June 1966, and

Having decided upon the adoption of certain proposals with regard to fishermen's certificates of competency, which is included in the sixth item on the agenda of the session, and

Noting the provisions of the Officers' Competency Certificates Convention, 1936, which provides that no person shall be engaged to perform or shall perform on board any vessel to which it applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties issued or approved by the public authority of the territory where the vessel is registered, and

Considering that experience has shown that further international standards specifying minimum requirements for certificates of competency for service in fishing vessels are desirable, and

Having determined that these standards shall take the form of an international Convention, adopts this twenty-first day of June of the year one thousand nine hundred and sixty-six the following Convention, which may be cited as the Fishermen's Competency Certificates Convention, 1966:

Part I. Scope and definitions

Article 1

For the purposes of this Convention, the term *fishing vessel* includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters and are registered in a territory for which the Convention is in force, with the exception of:

- (a) ships and boats of less than 25 gross registered tons;
- (b) ships and boats engaged in whaling or similar pursuits;
- (c) ships and boats engaged in fishing for sport or recreation;
- (d) fishery research and fishery protection vessels.

Article 2

The competent authority may, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, exempt from this Convention fishing vessels engaged in inshore fishing, as defined by national laws and regulations.

Article 3

For the purpose of this Convention, the following terms have the meanings hereby assigned to them:

- (a) *skipper*: any person having command or charge of a fishing vessel;
- (b) *mate*: any person exercising subordinate command of a fishing vessel, including any person, other than a pilot, liable at any time to be in charge of the navigation of such a vessel;
- (c) *engineer*: any person permanently responsible for the mechanical propulsion of a fishing vessel.

Part II. Certification

Article 4

Each Member which ratifies this Convention shall establish standards of qualification for certificates of competency entitling a person to perform the duties of skipper, mate or engineer on board a fishing vessel.

Article 5

1. All fishing vessels to which this Convention applies shall be required to carry a certificated skipper.

2. All fishing vessels over 100 gross registered tons engaged in operations and areas to be defined by national laws or regulations shall be required to carry a certificated mate.

3. All fishing vessels with an engine power above a level to be determined by the competent authority, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, shall be required to carry a certificated engineer: Provided that the skipper or mate of a fishing vessel may act as engineer in appropriate cases and on condition that he also holds an engineer's certificate.

4. The certificates of skippers, mates or engineers may be full or limited, according to the size, type, and nature and area of operations of the fishing vessel, as determined by national laws or regulations.

5. The competent authority may in individual cases permit a fishing vessel to put to sea without the full complement of certificated personnel if it is satisfied that no suitable substitutes are available and that, having regard to all the circumstances of the case, it is safe to allow the vessel to put to sea.

Article 6

1. The minimum age prescribed by national laws or regulations for the issue of a certificate of competency shall be not less than:

- (a) 20 years in the case of a skipper;
- (b) 19 years in the case of a mate;
- (c) 20 years in the case of an engineer.

2. For the purpose of service as a skipper or mate in a fishing vessel engaged in inshore fishing and for the purpose of service as an engineer in small fishing vessels with an engine power below a level to be determined by the competent authority after consultation with the fishing vessel owners' and fishermen's organisations, where such exist, the minimum age may be fixed at 18 years.

Article 7

The minimum professional experience prescribed by national laws or regulations for the issue of a mate's certificate of competency shall be not less than three years' sea service engaged in deck duties.

Article 8

1. The minimum professional experience prescribed by national laws or regulations for the issue of a skipper's certificate of competency shall be not less than four years' sea service engaged in deck duties.

2. The competent authority may, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, require a part of this period to be served as a certificated mate; where national laws or regulations provide for the issue of different grades of certificates of competency, full and limited, to skippers of fishing vessels, the nature of the qualifying service as a certificated mate or the type of certificate held while performing such qualifying service may vary accordingly.

Article 9

1. The minimum professional experience prescribed by national laws or regulations for the issue of an engineer's certificate of competency shall be not less than three years' sea service in the engine-room.

2. In the case of a certificated skipper or mate a shorter qualifying period of sea service may be prescribed.

3. In the case of the small fishing vessels referred to in Article 6, paragraph 2, of this Convention, the competent authority may, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, prescribe a qualifying period of sea service of 12 months.

4. Work in an engineering workshop may be regarded as equivalent to sea service for part of the qualifying periods provided for in paragraphs 1 to 3 of this Article.

Article 10

In respect of persons who have successfully completed an approved training course, the periods of sea service required in virtue of Articles 7, 8 and 9 of this Convention may be reduced by the period of training, but in no case by more than 12 months.

Part III. Examinations*Article 11*

In the examinations organised and supervised by the competent authority for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the corresponding duties, the candidates shall be required to show knowledge, appropriate to the categories and grades of certificates, of such subjects as:

- (a) in the case of skippers and mates:
 - (i) general nautical subjects, including seamanship, shiphandling and safety of life at sea, and a proper knowledge of the international Regulations for Preventing Collisions at Sea;
 - (ii) practical navigation, including the use of electronic and mechanical aids to navigation;
 - (iii) safe working practices, including safety in the handling of fishing gear;
- (b) in the case of engineers:
 - (i) theory, operation, maintenance and repair of steam or internal combustion engines and related auxiliary equipment;
 - (ii) operation, maintenance and repair of refrigeration systems, pumps, deck winches and other mechanical equipment of fishing vessels, including the effects on stability;

- (iii) principles of shipboard electric power installations, and maintenance and repair of the electrical machinery and equipment of fishing vessels; and
- (iv) engineering safety precautions and emergency procedures, including the use of life-saving and fire-fighting appliances.

Article 12

The examinations for certificates of skippers and mates referred to in Article 11, subparagraph (a), of this Convention may also cover the following subjects:

- (a) fishing techniques, including where appropriate the operation of electronic fish-finding devices, and the operation, maintenance and repair of fishing-gear; and
- (b) stowage, cleaning and processing of fish on board.

Article 13

During a period of three years from the date of the coming into force of national laws or regulations giving effect to the provisions of this Convention, competency certificates may be issued to persons who have not passed an examination referred to in Articles 11 and 12 of this Convention, but who have in fact had sufficient practical experience of the duties corresponding to the certificate in question and have no record of any serious technical error against them.

Part IV. Enforcement measures

Article 14

1. Each Member shall ensure the enforcement of national laws or regulations giving effect to the provisions of this Convention by an efficient system of inspection.
2. National laws or regulations giving effect to the provisions of this Convention shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of these laws or regulations.

Article 15

1. National laws or regulations giving effect to the provisions of this Convention shall prescribe penalties or disciplinary measures for cases in which these laws or regulations are not respected.
2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which:
 - (a) a fishing vessel owner or his agent, or a skipper, has engaged a person not certificated as required;
 - (b) a person has obtained by fraud or forged documents an engagement to perform duties requiring certification without holding the requisite certificate.

Vocational Training (Fishermen) Recommendation, 1966 (No. 126)

Status	Adoption
Instrument to be revised	Geneva, ILC 50th Session (21 June 1966)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fiftieth Session on 1 June 1966, and

Noting the terms of the Vocational Training Recommendation, 1962, and

Considering that, in application of that instrument, the vocational training of fishermen should be of a standard equivalent to that provided for other trades, occupations and industries, and

Considering further that the basic objectives of the vocational training of fishermen should be:

- to improve the efficiency of the fishing industry and to secure general recognition of the economic and social significance of fishing to the national economy;
- to encourage the entry into the fishing industry of a sufficient number of suitable persons;
- to provide training and retraining facilities commensurate with the current and projected manpower needs of the fishing industry for all the various fishing occupations;
- to assist the entry into employment of all trainees after completion of their courses;
- to assist trainees in reaching their highest productive and earning capacity; and
- to improve the standards of safety on board fishing vessels,

Having decided upon the adoption of certain proposals regarding the vocational training of fishermen, which is included in the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred sixty-six, the following Recommendation, which may be cited as the Vocational Training (Fishermen) Recommendation, 1966:

I. Scope and definitions

1. (1) For the purposes of this Recommendation, the term *fishing vessel* includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters, with the exception of ships and boats engaged in whaling or similar pursuits and fishery research and fishery protection vessels.

(2) This Recommendation applies to all training for work on board fishing vessels.

(3) This Recommendation does not apply to persons fishing for sport or recreation.

2. For the purpose of this Recommendation, the following terms have the meanings hereby assigned to them:

- (a) *skipper*., any person having command or charge of a fishing vessel;
- (b) *mate*., any person exercising subordinate command of a fishing vessel, including any person, other than a pilot, liable at any time to be in charge of the navigation of such a vessel;
- (c) *engineer*., any person permanently responsible for the mechanical propulsion of a fishing vessel, as well as any other person liable at any time to operate and maintain the engines and mechanical equipment of such a vessel; (d) *skilled fisherman*., any experienced member of the deck crew working on board a fishing vessel, participating in the operation of the vessel, preparing gear for fishing, catching, loading catch and processing it, and maintaining and repairing nets or other fishing equipment.

II. National planning and administration

Planning and co-ordination

3. In planning a national education and training policy, the competent authorities in the countries possessing or intending to develop a fishing industry should ensure that adequate provision is made in the general network of training facilities for the training of fishermen.

4. Where national circumstances do not permit the development of facilities for the training of fishermen at all levels of skill required, collaboration with other countries, as well as with international organisations, in the development of common fishery training schemes for such skills and occupations as cannot be covered by national programmes should be considered.

5. (1) The activities of all public and private institutions in each country engaged in the training of fishermen should be co-ordinated and developed on the basis of a national programme.

(2) Such a programme should be drawn up by the competent authorities in co-operation with fishing vessel owners' and fishermen's organisations, with educational and fishery research institutions, and with other bodies or individuals having an intimate knowledge of the vocational training of fishermen. In developing countries in which specialised fishery research or development institutes are established in co-operation with other countries or international organisations, such institutes should play a leading part in the establishment of the national programme.

(3) To facilitate the planning, development, co-ordination and administration of fishermen's training schemes, joint advisory policy and administrative bodies should whenever possible be set up at the national level and, where appropriate, also at the regional and local levels.

6. The competent authorities should ensure that the various agencies and institutions responsible for the dissemination of information on training and employment opportunities, such as primary and secondary schools, vocational guidance and employment counselling services, public employment services, vocational and technical training institutions and fishing vessel owners' and fishermen's organisations, are supplied with complete information on public and private training schemes for fishermen and on conditions of entry into fishing.

7. The competent authorities should ensure that fishermen's vocational training schemes are fully co-ordinated with any other programmes and activities, public or private, related to the fishing industry. In particular, they should make certain that:

- (a) fishery research institutions make information on their latest discoveries of practical interest to fishing readily available to training centres and other interested bodies, and through these to working fishermen; where possible, the research institutions should contribute to the advanced training of fishermen, and fishermen's training centres should, as appropriate, assist these institutions in their work;
- (b) measures are taken, through the provision of general education prior to or simultaneously with vocational training, to advance the general level of education in fishing communities, to promote greater satisfaction among fishermen and to facilitate the assimilation of technical and vocational training;
- (c) arrangements are made, with the co-operation of fishing vessel owners' and fishermen's organisations, in order that, other things being equal, preference may be given in employment placement to persons who have completed a public or private training course;
- (d) arrangements are made, with the co-operation of fishing vessel owners' and fishermen's organisations, particularly in developing countries, for trainees completing public and private courses either to enter employment on fishing vessels or, alternatively, to acquire and operate suitably equipped fishing vessels, either individually, or by forming co-operatives for the joint purchase and use of fishing boats, or by any other appropriate means;
- (e) the number of trained fishermen corresponds to the number of boats and the equipment available or planned to be available in the country.

Financing

8. (1) Fishermen's training schemes should be systematically organised; financing should be on a regular and adequate basis and should have regard to the present and planned requirements and development of the fishing industry.

(2) Where required, the government should make financial contributions to training schemes carried on by local government or private bodies. These contributions may take the form of general subsidies, grants of land and buildings or of demonstration material such as boats, engines, navigational equipment and fishing gear, provision of instructors free of charge, or payment of fees for trainees.

(3) Training in publicly operated training centres for fishermen should be given without charge to the trainee. In addition, the training of adults and young persons in need should be facilitated by financial and economic assistance of the kind envisaged in Paragraph 7, subparagraphs (3) and (5), of the Vocational Training Recommendation, 1962.

Training standards

9. (1) The competent authorities, in co-operation with the joint bodies mentioned in Paragraph 5, subparagraph (3), of this Recommendation, should define and establish general standards for fishermen's training applicable throughout the territory of the country. These standards should be in conformity with the national requirements for obtaining the various fishermen's certificates of competency and should lay down:

- (a) the minimum age of entry into fishermen's training schemes;
- (b) the nature of medical examinations, including chest X-rays and hearing and sight tests, required for persons entering training schemes; the examinations, particularly the hearing and sight tests, may differ for persons entering deck and persons entering engine courses;
- (c) the level of general education which is required for admission to fishermen's training schemes;
- (d) the fishing, navigation and seamanship, safety, engineering, catering and other subject-matter which should be included in the training curricula;
- (e) the amount of practical training, including time spent in engineering shops and at sea, which trainees should undergo;
- (f) the duration of the training courses for the various fishing occupations and the different levels of competency;
- (g) the nature of any examinations following the completion of the training courses; and
- (h) the experience and qualifications of the teaching staff of training institutions.

(2) Where it is not possible to lay down standards applicable throughout the country, recommended standards should be drawn up by the competent authorities, in co-operation with the joint bodies mentioned in Paragraph 5, subparagraph (3), of this Recommendation, to serve as a guide to the setting of standards which are as uniform as possible throughout the country.

III. Training programmes

10. The curricula of the various training programmes for fishermen should be based on a systematic analysis of the work required in fishing and should be established in co-operation with the joint bodies mentioned in Paragraph 5, subparagraph (3), of this Recommendation. They should be periodically reviewed and kept up to date with technical developments and should, as appropriate for the functions to be exercised, include training in:

- (a) fishing techniques, including where appropriate the operation and care of electronic fish-finding devices, and operation, maintenance and repair of fishing gear;
- (b) navigation, seamanship and ship handling appropriate to the sea area and to the type of fishing for which the course is designed, including a proper knowledge of the international Regulations for Preventing Collisions at Sea;
- (c) stowage, cleaning and processing of fish on board;
- (d) vessel maintenance and other related matters;
- (e) operation, maintenance and repair of steam or internal combustion (gasoline or diesel) engines or other equipment which the trainee may be called upon to use;
- (f) operation and care of radio and radar installations which the trainee may be called upon to use;
- (g) safety at sea and safety in handling fishing gear, including such matters as stability, effects of icing, fire fighting, water-tight integrity, personal safety, gear and machinery safeguards, rigging safety measures, engine-room safety, lifeboat handling, use of inflatable life rafts, first aid and medical care and other related matters;

- (h) theoretical subjects relevant to fishing, including marine biology and oceanography, which will enable trainees to gain a broad foundation for further instruction and training leading to promotion or to transfer to another fishing occupation or another type of fishing;
- (i) general education subjects, although this may be provided for to a more limited extent in short courses;
- (j) operation, maintenance and repair of refrigeration systems, fire-fighting equipment, deck and trawling winches and other mechanical equipment of fishing vessels;
- (k) principles of shipboard electrical power installations, and maintenance and repair of the electrical machinery and equipment of fishing vessels;
- (l) health and physical education, especially swimming, where training facilities permit;
- (m) specialised courses in deck, engine and other subjects after an introductory period of general fishing instruction.

11. (1) National standards should, where practicable and appropriate, be established for certificates of competency or diplomas qualifying a person to act as skipper (various grades); mate (various grades); engineer (various grades); fishery technician (various grades); boatswain; skilled fisherman (various grades); cook; or other deck or engine-room personnel.

(2) Training programmes should be chiefly designed to prepare trainees for certification and should be directly related to national certification standards; they should take account of the minimum ages and minimum professional experience laid down by the competent authorities in respect of the various grades of certificates of competency.

(3) Where national certification examinations do not exist or do not exist for the particular duty in question, training courses should nevertheless prepare trainees for particular duties such as those listed above. All trainees successfully completing such training courses should receive a diploma concerning the course followed.

12. (1) Programmes should be available to train fishermen to perform duties as skippers and engineers of all types of vessels in use in the fishing fleet of the country concerned, including larger distant-water vessels.

(2) Where appropriate to the vessels in use, college-level fishing and navigation courses should be established which are of the same level as merchant navy officers' training programmes but which provide training in subject-matters appropriate to fishing.

13. The duration of the various training programmes should be sufficient to enable trainees to assimilate the instruction given, and should be determined with reference to such matters as:

- (a) the level of training required for the occupation for which the course is designed;
- (b) the general educational level and age required of trainees entering the course;
- (c) the trainees' previous practical experience; and
- (d) the urgency of turning out trained fishermen in the country, subject to the maintenance of adequate standards of training.

14. (1) The teaching staff should consist of persons possessing a broad general education, a theoretical technical education and satisfactory relevant practical fishing experience.

(2) Where it is not possible to recruit a teaching staff with these qualifications, persons with practical experience in fishing and holding appropriate certificates of competency should be employed.

(3) Where it is not possible to recruit a full-time teaching staff with practical fishing experience, persons with satisfactory relevant practical fishing experience should be employed on a part-time basis.

(4) All teaching staff should have an aptitude for teaching and should be given appropriate teacher training by the competent educational authorities.

Pre-vocational training

15. In fishing communities, measures consistent with the Minimum Age (Fishermen) Convention, 1959, should be taken to provide pre-vocational training to schoolchildren, including training in elementary practical seamanship, basic commercial fishing techniques and navigational principles, in so far as this is appropriate to the general conditions in the particular country.

Short courses for working fishermen

16. Training courses should be available for working fishermen to enable them to increase their technical skills and knowledge, to keep abreast of improved fishing and navigation techniques, and to qualify for promotion.

17. (1) Training courses for working fishermen should be specifically designed for the purpose of:

- (a) complementing the basic long-term courses by providing advanced specialised training for promotion;
- (b) providing training in fishing techniques new to the area; in operating, maintaining and repairing new types of engines or gear; and in making gear where appropriate;
- (c) providing all levels of training for fishermen who were unable to participate in a basic long-term training course;
- (d) providing accelerated training in developing countries.

(2) The courses should be of short duration and should be considered to be complementary to and not substitutes for basic long-term training programmes.

18. The courses, which may take the form of mobile courses bringing instructors and demonstration equipment to fishing centres, should in particular consist of programmes involving:

- (a) evening courses;
- (b) seasonal courses offered during stormy months or slack fishing periods; or
- (c) daytime courses for which fishermen temporarily leave their work for short periods.

19. (1) All appropriate measures should be taken to enable working fishermen to attend short courses ashore.

(2) Working fishermen should receive adequate financial compensation for the periods in which they attend short training courses.

20. Where long-term courses and short courses for working fishermen do not meet training needs, particularly in isolated areas, these courses may be supplemented by:

- (a) special radio and television courses and programmes providing fishing information;
- (b) correspondence courses specially adapted to the needs of working fishermen and arranged for use by study groups with occasional lectures or attendance at training schools;
- (c) periodic visits of research workers and extension officers to fishing communities.

IV. Methods of training

21. The training methods adopted by fishermen's training schemes should be the most effective possible, having regard to the nature of the courses, the trainees' experience, general education and age, and the demonstration equipment and financial support available.

22. Practical training, in which the students themselves participate, should be an important part of all fishermen's training programmes.

23. (1) Fishing training vessels should be used by all training institutions with programmes for persons entering fishing to provide instruction in fishing techniques, navigation and seamanship, engine operation and other matters. These vessels should conduct actual fishing operations.

(2) Training vessels should, whenever possible, be attached to technical schools providing advanced training.

24. (1) Demonstration equipment such as engines, gear, fishing-boat models, workshop equipment and navigational aids should be used in training programmes.

(2) Such equipment should be prepared in collaboration with fishery research institutions and should include, whenever possible, the latest gear and navigational aids.

(3) Such equipment should be selected with reference to the gear, boats and engines which the trainees may be called upon to use.

(4) Films and other audio-visual aids, although they may be useful in some cases, should not be a substitute for demonstration equipment in the use of which trainees themselves take an active part.

(5) Visits should be organised for trainees to fishing vessels equipped with modern or special installations, to fishery research institutions, or to fishing centres away from the area in which the school is located.

25. Practical training may also be provided by periods of fishing at sea on board commercial fishing vessels.

26. Theoretical training, including general education, given as part of a training course should be directly related to the knowledge and skills required by fishermen and should, wherever possible, be integrated with the practical training offered.

V. International co-operation

27. (1) Countries should co-operate in promoting fishermen's vocational training, particularly in developing countries.

(2) This co-operation, as appropriate, may include such matters as:

- (a) with the help of international organisations or other countries, obtaining and training teaching staff to establish and improve fishermen's training facilities;
- (b) establishing joint training facilities or joint fishery research institutions with other countries;
- (c) making training facilities available to selected trainees or instructor trainees from other countries, and sending trainees or instructor trainees to training facilities in other countries;
- (d) arranging international exchanges of personnel and international seminars and working parties;
- (e) providing instructors for fishermen's training schools in other countries.

Dockworkers*

Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	933
Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)	943
Dock Work Convention, 1973 (No. 137)	946
Dock Work Recommendation, 1973 (No. 145)	948
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)	953v

* 1) Outdated instruments: Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); Protection against Accidents (Dockers) Reciprocity Recommendation, 1932 (No. 40). 2) Shelved convention: Protection against Accidents (Dockers) Convention, 1929 (No. 28). 3) Withdrawn recommendations: Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33); Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34).

Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	5 Dec 1981	Geneva, ILC 65th Session (25 June 1979)	26

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fifth Session on 6 June 1979, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant and, in particular, the Marking of Weight (Packages Transported by Vessels) Convention, 1929, the Guarding of Machinery Convention, 1963, and the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and

Having decided upon the adoption of certain proposals with regard to the revision of the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32), which is the fourth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and seventy-nine the following Convention, which may be cited as the Occupational Safety and Health (Dock Work) Convention, 1979:

Part I. Scope and definitions

Article 1

For the purpose of this Convention, the term *dock work* covers all and any part of the work of loading or unloading any ship as well as any work incidental thereto; the definition of such work shall be established by national law or practice. The organisations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of this definition.

Article 2

1. A Member may grant exemptions from or permit exceptions to the provisions of this Convention in respect of dock work at any place where the traffic is irregular and confined to small ships, as well as in respect of dock work in relation to fishing vessels or specified categories thereof, on condition that:

- (a) safe working conditions are maintained; and
- (b) the competent authority, after consultation with the organisations of employers and workers concerned, is satisfied that it is reasonable in all the circumstances that there be such exemptions or exceptions.

2. Particular requirements of Part III of this Convention may be varied if the competent authority is satisfied, after consultation with the organisations of employers and workers concerned, that the variations provide corresponding advantages and that the over-all protection afforded is not inferior to that which would result from the full application of the provisions of this Convention.

3. Any exemptions or exceptions made under paragraph 1 of this Article and any significant variations made under paragraph 2 of this Article, as well as the reasons therefor, shall be indicated in the reports on the application of the Convention submitted in pursuance of Article 22 of the Constitution of the International Labour Organisation.

Article 3

For the purpose of this Convention:

- (a) the term *worker* means any person engaged in dock work;
- (b) the term *competent person* means a person possessing the knowledge and experience required for the performance of a specific duty or duties and acceptable as such to the competent authority;
- (c) the term *responsible person* means a person appointed by the employer, the master of the ship or the owner of the gear, as the case may be, to be responsible for the performance of a specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of the duty or duties;
- (d) the term *authorised person* means a person authorised by the employer, the master of the ship or a responsible person to undertake a specific task or tasks and possessing the necessary technical knowledge and experience;
- (e) the term *lifting appliance* covers all stationary or mobile cargo-handling appliances, including shore-based power-operated ramps, used on shore or on board ship for suspending, raising or lowering loads or moving them from one position to another while suspended or supported;
- (f) the term *loose gear* covers any gear by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load;
- (g) the term *access* includes egress;
- (h) the term *ship* covers any kind of ship, vessel, barge, lighter or hovercraft, excluding ships of war.

Part II. General provisions

Article 4

1. National laws or regulations shall prescribe that measures complying with Part III of this Convention be taken as regards dock work with a view to:

- (a) providing and maintaining workplaces, equipment and methods of work that are safe and without risk of injury to health;
- (b) providing and maintaining safe means of access to any workplace;
- (c) providing the information, training and supervision necessary to ensure the protection of workers against risks of accident or injury to health arising out of or in the course of their employment;
- (d) providing workers with any personal protective equipment and protective clothing and any life-saving appliances reasonably required where adequate protection against risks of accident or injury to health cannot be provided by other means;
- (e) providing and maintaining suitable and adequate first-aid and rescue facilities;
- (f) developing and establishing proper procedures to deal with any emergency situations which may arise.

2. The measures to be taken in pursuance of this Convention shall cover:

- (a) general requirements relating to the construction, equipping and maintenance of dock structures and other places at which dock work is carried out;
- (b) fire and explosion prevention and protection;
- (c) safe means of access to ships, holds, staging, equipment and lifting appliances;
- (d) transport of workers;
- (e) opening and closing of hatches, protection of hatchways and work in holds;
- (f) construction, maintenance and use of lifting and other cargo-handling appliances;
- (g) construction, maintenance and use of staging;

- (h) rigging and use of ship's derricks;
- (i) testing, examination, inspection and certification, as appropriate, of lifting appliances, of loose gear, including chains and ropes, and of slings and other lifting devices which form an integral part of the load;
- (j) handling of different types of cargo;
- (k) stacking and storage of goods;
- (l) dangerous substances and other hazards in the working environment;
- (m) personal protective equipment and protective clothing;
- (n) sanitary and washing facilities and welfare amenities;
- (o) medical supervision;
- (p) first-aid and rescue facilities;
- (q) safety and health organisation;
- (r) training of workers;
- (s) notification and investigation of occupational accidents and diseases.

3. The practical implementation of the requirements prescribed in pursuance of paragraph 1 of this Article shall be ensured or assisted by technical standards or codes of practice approved by the competent authority, or by other appropriate methods consistent with national practice and conditions.

Article 5

1. National laws or regulations shall make appropriate persons, whether employers, owners, masters or other persons, as the case may be, responsible for compliance with the measures referred to in Article 4, paragraph 1, of this Convention.

2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall have the duty to collaborate in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of his employees. In appropriate circumstances, the competent authority shall prescribe general procedures for this collaboration.

Article 6

1. There shall be arrangements under which workers:

- (a) are required neither to interfere without due cause with the operation of, nor to misuse, any safety device or appliance provided for their own protection or the protection of others;
- (b) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;
- (c) report forthwith to their immediate supervisor any situation which they have reason to believe could present a risk and which they cannot correct themselves, so that corrective measures can be taken.

2. Workers shall have a right at any workplace to participate in ensuring safe working to the extent of their control over the equipment and methods of work and to express views on the working procedures adopted as they affect safety. In so far as appropriate under national law and practice, where safety and health committees have been formed in accordance with Article 37 of this Convention, this right shall be exercised through these committees.

Article 7

1. In giving effect to the provisions of this Convention by national laws or regulations or other appropriate methods consistent with national practice and conditions, the competent authority shall act in consultation with the organisations of employers and workers concerned.

2. Provision shall be made for close collaboration between employers and workers or their representatives in the application of the measures referred to in Article 4, paragraph 1, of this Convention.

Part III. Technical measures

Article 8

Any time that a workplace has become unsafe or there is a risk of injury to health, effective measures shall be taken (by fencing, flagging or other suitable means including, where necessary, cessation of work) to protect the workers until the place has been made safe again.

Article 9

1. All places where dock work is being carried out and any approaches thereto shall be suitably and adequately lighted.

2. Any obstacle liable to be dangerous to the movement of a lifting appliance, vehicle or person shall, if it cannot be removed for practical reasons, be suitably and conspicuously marked and, where necessary, adequately lighted.

Article 10

1. All surfaces used for vehicle traffic or for the stacking of goods or materials shall be suitable for the purpose and properly maintained.

2. Where goods or materials are stacked, stowed, unstacked or unstowed, the work shall be done in a safe and orderly manner having regard to the nature of the goods or materials and their packing.

Article 11

1. Passageways of adequate width shall be left to permit the safe use of vehicles and cargo-handling appliances.

2. Separate passageways for pedestrian use shall be provided where necessary and practicable; such passageways shall be of adequate width and, as far as is practicable, separated from passageways used by vehicles.

Article 12

Suitable and adequate means for fighting fire shall be provided and kept available for use where dock work is carried out.

Article 13

1. All dangerous parts of machinery shall be effectively guarded, unless they are in such a position or of such a construction as to be as safe as they would be if effectively guarded.

2. Effective measures shall be provided for promptly cutting off the power to any machinery in respect of which this is necessary, in an emergency.

3. When any cleaning, maintenance or repair work that would expose any person to danger has to be undertaken on machinery, the machinery shall be stopped before this work is begun and adequate measures shall be taken to ensure that the machinery cannot be restarted until the work has been completed: Provided that a responsible person may restart the machinery for the purpose of any testing or adjustment which cannot be carried out while the machinery is at rest.

4. Only an authorised person shall be permitted to:

(a) remove any guard where this is necessary for the purpose of the work being carried out;

(b) remove a safety device or make it inoperative for the purpose of cleaning, adjustment or repair.

5. If any guard is removed, adequate precautions shall be taken, and the guard shall be replaced as soon as practicable.

6. If any safety device is removed or made inoperative, the device shall be replaced or its operation restored as soon as practicable and measures shall be taken to ensure that the relevant equipment cannot be used or inadvertently started until the safety device has been replaced or its operation restored.

7. For the purpose of this Article, the term *machinery* includes any lifting appliance, mechanised hatch cover or power-driven equipment.

Article 14

All electrical equipment and installations shall be so constructed, installed, operated and maintained as to prevent danger and shall conform to such standards as have been recognised by the competent authority.

Article 15

When a ship is being loaded or unloaded alongside a quay or another ship, adequate and safe means of access to the ship, properly installed and secured, shall be provided and kept available.

Article 16

1. When workers have to be transported to or from a ship or other place by water, adequate measures shall be taken to ensure their safe embarking, transport and disembarking; the conditions to be complied with by the vessels used for this purpose shall be specified.

2. When workers have to be transported to or from a workplace on land, means of transport provided by the employer shall be safe.

Article 17

1. Access to a ship's hold or cargo deck shall be by means of:

- (a) a fixed stairway or, where this is not practicable, a fixed ladder or cleats or cups of suitable dimensions, of adequate strength and proper construction; or
- (b) by other means acceptable to the competent authority.

2. So far as is reasonably practicable, the means of access specified in this Article shall be separate from the hatchway opening.

3. Workers shall not use, or be required to use, any other means of access to a ship's hold or cargo deck than those specified in this Article.

Article 18

1. No hatch cover or beam shall be used unless it is of sound construction, of adequate strength for the use to which it is to be put and properly maintained.

2. Hatch covers handled with the aid of a lifting appliance shall be fitted with readily accessible and suitable attachments for securing the slings or other lifting gear.

3. Where hatch covers and beams are not interchangeable, they shall be kept plainly marked to indicate the hatch to which they belong and their position therein.

4. Only an authorised person (whenever practicable a member of the ship's crew) shall be permitted to open or close power-operated hatch covers; the hatch covers shall not be opened or closed while any person is liable to be injured by the operation of the covers.

5. The provisions of paragraph 4 of this Article shall apply, *mutatis mutandis*, to power-operated ship's equipment such as a door in the hull of a ship, a ramp, a retractable car deck or similar equipment.

Article 19

1. Adequate measures shall be taken to protect any opening in or on a deck where workers are required to work, through which opening workers or vehicles are liable to fall.

2. Every hatchway not fitted with a coaming of adequate height and strength shall be closed or its guard replaced when the hatchway is no longer in use, except during short interruptions of work, and a responsible person shall be charged with ensuring that these measures are carried out.

Article 20

1. All necessary measures shall be taken to ensure the safety of workers required to be in the hold or on a cargo deck of a ship when power vehicles operate in that hold or loading or unloading operations are taking place with the aid of power-operated appliances.

2. Hatch covers and beams shall not be removed or replaced while work is in progress in the hold under the hatchway. Before loading or unloading takes place, any hatch cover or beam that is not adequately secured against displacement shall be removed.

3. Adequate ventilation shall be provided in the hold or on a cargo deck by the circulation of fresh air to prevent risks of injury to health arising from the fumes emitted by internal combustion engines or from other sources.

4. Adequate arrangements, including safe means of escape, shall be made for the safety of persons when dry bulk cargo is being loaded or unloaded in any hold or 'tween deck or when a worker is required to work in a bin or hopper on board ship.

Article 21

Every lifting appliance, every item of loose gear and every sling or lifting device forming an integral part of a load shall be:

- (a) of good design and construction, of adequate strength for the purpose for which it is used, maintained in good repair and working order and, in the case of a lifting appliance in respect of which this is necessary, properly installed;
- (b) used in a safe and proper manner and, in particular, shall not be loaded beyond its safe working load or loads, except for testing purposes as specified and under the direction of a competent person.

Article 22

1. Every lifting appliance and every item of loose gear shall be tested in accordance with national laws or regulations by a competent person before being put into use for the first time and after any substantial alteration or repair to any part liable to affect its safety.

2. Lifting appliances forming part of a ship's equipment shall be retested at least once in every five years.

3. Shore-based lifting appliances shall be retested at such times as prescribed by the competent authority.

4. Upon the completion of every test of a lifting appliance or item of loose gear carried out in accordance with this Article, the appliance or gear shall be thoroughly examined and certified by the person carrying out the test.

Article 23

1. In addition to the requirements of Article 22, every lifting appliance and every item of loose gear shall be periodically thoroughly examined and certified by a competent person. Such examinations shall take place at least once in every 12 months.

2. For the purpose of paragraph 4 of Article 22 and of paragraph 1 of this Article, a thorough examination means a detailed visual examination by a competent person, supplemented if necessary by other suitable means or measures in order to arrive at a reliable conclusion as to the safety of the appliance or item of loose gear examined.

Article 24

1. Every item of loose gear shall be inspected regularly before use. Expendable or disposable slings shall not be reused. In the case of pre-slung cargoes, the slings shall be inspected as frequently as is reasonably practicable.

2. For the purpose of paragraph 1 of this Article, an inspection means a visual inspection by a responsible person carried out to decide whether, so far as can be ascertained in such manner, the gear or sling is safe for continued use.

Article 25

1. Such duly authenticated records as will provide prima facie evidence of the safe condition of the lifting appliances and items of loose gear concerned shall be kept, on shore or on the ship as the case may be; they shall specify the safe working load and the dates and results of the tests, thorough examinations and inspections referred to in Articles 22, 23 and 24 of this Convention: Provided that in the case of inspections referred to in paragraph 1 of Article 24 of this Convention, a record need only be made where the inspection discloses a defect.

2. A register of the lifting appliances and items of loose gear shall be kept in a form prescribed by the competent authority, account being taken of the model recommended by the International Labour Office.

3. The register shall comprise certificates granted or recognised as valid by the competent authority, or certified true copies of the said certificates, in a form prescribed by the competent authority, account being taken of the models recommended by the International Labour Office in respect of the testing, thorough examination and inspection, as the case may be, of lifting appliances and items of loose gear.

Article 26

1. With a view to ensuring the mutual recognition of arrangements made by Members which have ratified this Convention for the testing, thorough examination, inspection and certification of lifting appliances and items of loose gear forming part of a ship's equipment and of the records relating thereto:

- (a) the competent authority of each Member which has ratified the Convention shall appoint or otherwise recognise competent persons or national or international organisations to carry out tests and/or thorough examinations and related functions, under conditions that ensure that the continuance of appointment or recognition depends upon satisfactory performance;
- (b) Members which have ratified the Convention shall accept or recognise those appointed or otherwise recognised pursuant to subparagraph (a) of this paragraph, or shall enter into reciprocal arrangements with regard to such acceptance or recognition; in either case, acceptance or recognition shall be under conditions that make their continuance dependent upon satisfactory performance.

2. No lifting appliance, loose gear or other cargo-handling appliances shall be used if:
- (a) the competent authority is not satisfied by reference to a certificate of test or examination or to an authenticated record, as the case may be, that the necessary test, examination or inspection has been carried out in accordance with the provisions of this Convention; or
 - (b) in the view of the competent authority, the appliance or gear is not safe for use.

3. Paragraph 2 of this Article shall not be so applied as to cause delay in loading or unloading a ship where equipment satisfactory to the competent authority is used.

Article 27

1. Every lifting appliance (other than a ship's derrick) having a single safe working load and every item of loose gear shall be clearly marked with its safe working load by stamping or, where this is impracticable, by other suitable means.

2. Every lifting appliance (other than a ship's derrick) having more than one safe working load shall be fitted with effective means of enabling the driver to determine the safe working load under each condition of use.

3. Every ship's derrick (other than a derrick crane) shall be clearly marked with the safe working loads applying when the derrick is used:

- (a) in single purchase;
- (b) with a lower cargo block;
- (c) in union purchase in all possible block positions.

Article 28

Every ship shall carry rigging plans and any other relevant information necessary to permit the safe rigging of its derricks and accessory gear.

Article 29

Pallets and similar devices for containing or supporting loads shall be of sound construction, of adequate strength and free from visible defects liable to affect their safe use.

Article 30

Loads shall not be raised or lowered unless slung or otherwise attached to the lifting appliance in a safe manner.

Article 31

1. Every freight container terminal shall be so laid out and operated as to ensure so far as is reasonably practicable the safety of the workers.

2. In the case of ships carrying containers, means shall be provided for ensuring the safety of workers lashing or unlashings the containers.

Article 32

1. Any dangerous cargo shall be packed, marked and labelled, handled, stored and stowed in accordance with the relevant requirements of international regulations applying to the transport of dangerous goods by water and those dealing specifically with the handling of dangerous goods in ports.

2. Dangerous substances shall not be handled, stored or stowed unless they are packed and marked and labelled in compliance with international regulations for the transport of such substances.

3. If receptacles or containers of dangerous substances are broken or damaged to a dangerous extent, dock work, other than that necessary to eliminate danger, shall be stopped

in the area concerned and the workers removed to a safe place until the danger has been eliminated.

4. Adequate measures shall be taken to prevent exposure of workers to toxic or harmful substances or agents, or oxygen-deficient or flammable atmospheres.

5. Where workers are required to enter any confined space in which toxic or harmful substances are liable to be present or in which there is liable to be an oxygen deficiency, adequate measures shall be taken to prevent accidents or injury to health.

Article 33

Suitable precautions shall be taken to protect workers against the harmful effects of excessive noise at the workplace.

Article 34

1. Where adequate protection against risks of accident or injury to health cannot be ensured by other means, workers shall be provided with and shall be required to make proper use of such personal protective equipment and protective clothing as is reasonably required for the performance of their work.

2. Workers shall be required to take care of that personal protective equipment and protective clothing.

3. Personal protective equipment and protective clothing shall be properly maintained by the employer.

Article 35

In case of accident, adequate facilities, including trained personnel, shall be readily available for the rescue of any person in danger, for the provision of first-aid and for the removal of injured persons in so far as is reasonably practicable without further endangering them.

Article 36

1. Each Member shall determine, by national laws or regulations or other appropriate methods consistent with national practice and conditions, and after consultation with the organisations of employers and workers concerned:

- (a) for which risks inherent in the work there is to be an initial medical examination or a periodical medical examination, or both;
- (b) with due regard to the nature and degree of the risks and the particular circumstances, the maximum intervals at which periodical medical examinations are to be carried out;
- (c) in the case of workers exposed to special occupational health hazards, the range of special investigations deemed necessary;
- (d) appropriate measures for the provision of occupational health services for workers.

2. All medical examinations and investigations carried out in pursuance of paragraph 1 of this Article shall be free of cost to the worker.

3. The records of the medical examinations and the investigations shall be confidential.

Article 37

1. Safety and health committees including employers' and workers' representatives shall be formed at every port where there is a significant number of workers. Such committees shall also be formed at other ports as necessary.

2. The establishment, composition and functions of such committees shall be determined by national laws or regulations or other appropriate methods consistent with national

practice and conditions, after consultation with the organisations of employers and workers concerned, and in the light of local circumstances.

Article 38

1. No worker shall be employed in dock work unless he has been given adequate instruction or training as to the potential risks attaching to his work and the main precautions to be taken.

2. A lifting appliance or other cargo-handling appliance shall be operated only by a person who is at least 18 years of age and who possesses the necessary aptitudes and experience or a person under training who is properly supervised.

Article 39

To assist in the prevention of occupational accidents and diseases, measures shall be taken to ensure that they are reported to the competent authority and, where necessary, investigated.

Article 40

In accordance with national laws or regulations or national practice, a sufficient number of adequate and suitable sanitary and washing facilities shall be provided and properly maintained at each dock, wherever practicable within a reasonable distance of the workplace.

Part IV. Implementation

Article 41

Each Member which ratifies this Convention shall:

- (a) specify the duties in respect of occupational safety and health of persons and bodies concerned with dock work;
- (b) take necessary measures, including the provision of appropriate penalties, to enforce the provisions of the Convention;
- (c) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention, or satisfy itself that appropriate inspection is carried out.

Article 42

1. National laws or regulations shall prescribe the time-limits within which the provisions of this Convention shall apply in respect of:

- (a) the construction or equipping of a ship;
- (b) the construction or equipping of any shore-based lifting appliance or other cargo-handling appliance;
- (c) the construction of any item of loose gear.

2. The time-limits prescribed pursuant to paragraph 1 of this Article shall not exceed four years from the date of ratification of the Convention.

Part V. Final provisions

Article 43

This Convention revises the Protection against Accidents (Dockers) Convention, 1929, and the Protection against Accidents (Dockers) Convention (Revised), 1932.

Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)

Status	Adoption
Up-to-date instrument	Geneva, ILC 65th Session (25 June 1979)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fifth Session on 6 June 1979, and

Having decided upon the adoption of certain proposals with regard to the revision of the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Occupational Safety and Health (Dock Work) Convention, 1979,

adopts this twenty-fifth day of June of the year one thousand nine hundred and seventy-nine, the following Recommendation, which may be cited as the Occupational Safety and Health (Dock Work) Recommendation, 1979:

I. Scope and definitions

1. For the purpose of this Recommendation, the term *dock work* covers all and any part of the work of loading or unloading any ship as well as any work incidental thereto; the definition of such work should be established by national law or practice. The organisations of employers and workers concerned should be consulted on or otherwise participate in the establishment and revision of this definition.

2. For the purpose of this Recommendation:

- (a) the term *worker* means any person engaged in dock work;
- (b) the term *competent person* means a person possessing the knowledge and experience required for the performance of a specific duty or duties and acceptable as such to the competent authority;
- (c) the term *responsible person* means a person appointed by the employer, the master of the ship or the owner of the gear, as the case may be, to be responsible for the performance of a specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of the duty or duties;
- (d) the term *authorised person* means a person authorised by the employer, the master of the ship or a responsible person to undertake a specific task or tasks and possessing the necessary technical knowledge and experience;
- (e) the term *lifting appliance* covers all stationary or mobile cargo-handling appliances, including shore-based power-operated ramps, used on shore or on board ship for suspending, raising or lowering loads or moving them from one position to another while suspended or supported;
- (f) the term *loose gear* covers any gear by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load;
- (g) the term *access* includes egress;
- (h) the term *ship* covers any kind of ship, vessel, barge, lighter or hovercraft, excluding ships of war.

II. General provisions

3. In giving effect to the Occupational Safety and Health (Dock Work) Convention, 1979, each Member should take into consideration:

- (a) the provisions of the relevant conventions, regulations and recommendations adopted under the auspices of the Inter-Governmental Maritime Consultative Organisation and, in particular, those of the International Convention for Safe Containers, 1972, as at any time revised;

- (b) the relevant standards adopted by recognised international organisations dealing with matters of standardisation;
- (c) the relevant provisions of conventions, regulations and recommendations concerning inland navigation adopted under the auspices of international organisations.

4. In developing measures under Article 4, paragraph 1, of the Occupational Safety and Health (Dock Work) Convention, 1979, each Member should take into consideration the technical suggestions in the latest edition of the Code of Practice on safety and health in dock work published by the International Labour Office in so far as they appear to be appropriate and relevant in the light of national circumstances and conditions.

5. In taking the measures referred to in Article 4, paragraph 1, of the Occupational Safety and Health (Dock Work) Convention, 1979, each Member should take account of the provisions of Part III of this Recommendation, which are supplementary to those set out in Part III of that Convention.

6. With a view to preventing occupational accidents and diseases, workers should be given adequate instruction or training in safe working procedures, occupational hygiene and, where necessary, first-aid procedures and the safe operation of cargo-handling appliances.

III. Technical Measures

7. (1) All passageways should be:

- (a) plainly marked;
 - (b) so far as is reasonably practicable, kept free of any obstruction not related to the work in progress.
- (2) Passageways used for vehicles should, so far as is reasonably practicable, be one-way in operation.

8. (1) Wherever reasonably practicable, means of access should be so placed that no suspended loads pass over them.

(2) Wherever necessary, the means of access to a ship should be fitted with a safety net properly secured so as to prevent workers from falling into the water between the ship's side and the adjacent quay.

9. Junction plates used with ramps on roll-on/roll-off ships should be so designed and used as to be safe.

10. (1) Every hatchway on the weatherdeck not protected by means of a coaming of adequate height and strength should be effectively guarded or covered.

(2) Every 'tween-deck hatchway should, when it is open, be effectively guarded to an adequate height.

(3) Guards may be temporarily removed on any side of a hatchway where this is necessary for loading or unloading goods.

(4) If, for technical reasons, the provisions of subparagraphs (1) and (2) of this Paragraph cannot be implemented, an authorised person should ensure the safety of the workers.

(5) Deck cargoes should not be placed on nor vehicles pass over any hatch cover which is not of adequate strength for that purpose.

11. When necessary, due to the size of the hold, provision should be made for more than one means of escape.

12. Operators of lifting appliances should check the operation of their safety devices before commencing work.

13. (1) Petrol-driven vehicles or lifting appliances should not be refuelled in the hold of a ship and vehicles or lifting appliances driven by other fuels should only be refuelled in the hold of a ship under conditions which, so far as is reasonably practicable, ensure the safety of the workers.

(2) If reasonably practicable, preference should be given to the use in the hold of engines which do not pollute the air.

14. As far as is reasonably practicable, workers should not be required to work in the part of a hold where a trimming machine or grab is operating.

15. No new part of a lifting appliance or item of loose gear should be manufactured of wrought iron.
16. No heat treatment should be applied to any item of loose gear unless the treatment is carried out under the supervision of a competent person and in accordance with his instructions.
17. Suitable and adequate dunnage should be used if necessary to protect slings of pre-slung cargoes.
18. Slings which have not been approved or inspected should not under any circumstances be used for pre-slinging.
19. Every lifting beam, lifting frame, vacuum lifting or magnetic lifting device which does not form an integral part of a lifting appliance and every other item of loose gear weighing more than 100 kg should be clearly marked with its own weight.
20. Disposable pallets and similar disposable devices should:
- (a) be clearly marked or labelled to indicate that they are disposable;
 - (b) not be used unless they are free from defects liable to affect their safe use; and
 - (c) not be re-used.
21. Loads secured together by means of bailing wires or straps should not be raised or lowered by means of hooks or other devices inserted in the wires or straps unless the wires or straps are of adequate strength.
22. Every reasonable measure should be taken to minimise risks of accident when work has to be carried out on top of freight containers.
23. (1) Dangerous substances should only be handled, stored or stowed under the supervision of a responsible person.
- (2) When dangerous substances are to be handled, stored or stowed, the workers concerned should be given adequate information as to the special precautions to be observed, including action to be taken in the event of a spillage or accidental escape from containment.
24. First-aid personnel should be proficient in the use of appropriate resuscitation techniques and rescue work.
25. Lifting appliances, where necessary and reasonably practicable, should be fitted with a means of emergency escape from the driver's cabin. There should be arrangements for the removal of an injured or ill driver without further endangering him.
26. (1) The results of the medical examinations and investigations referred to in Article 36 of the Occupational Safety and Health (Dock Work) Convention, 1979, should be communicated to the worker concerned.
- (2) The employer should be informed whether the worker is fit for the work to be carried out and whether he may constitute a risk to other persons, on the condition that, subject to Article 39 of the Convention, the confidential character of the information is respected.
27. The facilities provided in pursuance of Article 40 of the Occupational Safety and Health (Dock Work) Convention, 1979, should, so far as is reasonably practicable, include changing rooms.

Dock Work Convention, 1973 (No. 137)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument with interim status	24 July 1975	Geneva, ILC 58th Session (25 June 1973)	25 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Considering that important changes have taken place and are taking place in cargo-handling methods in docks – such as the adoption of unit loads, the introduction of roll-on roll-off techniques and the increase of mechanisation and automation – and in the pattern of movement of freight, and that such changes are expected to become more widespread in the future, and

Considering that such changes, by speeding up freight movements, reducing the time spent by ships in ports and lowering transport costs, may benefit the economy of the country concerned as a whole and contribute to the raising of the standard of living, and

Considering that such changes also involve considerable repercussions on the level of employment in ports and on the conditions of work and life of dockworkers, and that measures should be adopted to prevent or to reduce the problems consequent thereon, and

Considering that dockworkers should share in the benefit secured by the introduction of new methods of cargo handling and that, accordingly, action for the lasting improvement of their situation, by such means as regularisation of employment and stabilisation of income, and other measures relating to their conditions of work and life, as well as to safety and health aspects of dock work, should be planned and taken concurrently with the planning and introduction of new methods, and

Having decided upon the adoption of certain proposals with regard to social repercussions of new methods of cargo handling (docks), which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Dock Work Convention, 1973:

Article 1

1. This Convention applies to persons who are regularly available for work as dockworkers and who depend on their work as such for their main annual income.

2. For the purpose of this Convention the terms *dockworkers* and *dock work* mean persons and activities defined as such by national law or practice. The organisations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of such definitions. Account shall be taken in this connection of new methods of cargo handling and their effect on the various dockworker occupations.

Article 2

1. It shall be national policy to encourage all concerned to provide permanent or regular employment for dockworkers in so far as practicable.

2. In any case, dockworkers shall be assured minimum periods of employment or a minimum income, in a manner and to an extent depending on the economic and social situation of the country and port concerned.

Article 3

1. Registers shall be established and maintained for all occupational categories of dockworkers, in a manner to be determined by national law or practice.
2. Registered dockworkers shall have priority of engagement for dock work.
3. Registered dockworkers shall be required to be available for work in a manner to be determined by national law or practice.

Article 4

1. The strength of the registers shall be periodically reviewed, so as to achieve levels adapted to the needs of the port.
2. Any necessary reduction in the strength of a register shall be accompanied by measures designed to prevent or minimise detrimental effects on dockworkers.

Article 5

In order to secure the greatest social advantage of new methods of cargo handling, it shall be national policy to encourage co-operation between employers or their organisations, on the one hand, and workers' organisations, on the other hand, in improving the efficiency of work in ports, with the participation, as appropriate, of the competent authorities.

Article 6

Each Member shall ensure that appropriate safety, health, welfare and vocational training provisions apply to dockworkers.

Article 7

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

Dock Work Recommendation, 1973 (No. 145)

Status	Adoption
Instrument with interim status	Geneva, ILC 58th Session (25 June 1973)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Considering that important changes have taken place and are taking place in cargo-handling methods in docks – such as the adoption of unit loads, the introduction of roll-on roll-off techniques and the increase of mechanisation and automation – and in the pattern of movement of freight, and that such changes are expected to become more widespread in the future, and

Considering that such changes, by speeding up freight movements, reducing the time spent by ships in ports and lowering transport costs, may benefit the economy of the country concerned as a whole and contribute to the raising of the standard of living, and

Considering that such changes also involve considerable repercussions on the level of employment in ports and on the conditions of work and life of dockworkers, and that measures should be adopted to prevent or to reduce the problems consequent thereon, and

Considering that dockworkers should share in the benefits secured by the introduction of new methods of cargo handling and that, accordingly, action for the lasting improvement of their situation, by such means as regularisation of employment and stabilisation of income, and other measures relating to their conditions of work and life, as well as to safety and health aspects of dock work, should be planned and taken concurrently with the planning and introduction of new methods, and

Having decided upon the adoption of certain proposals with regard to social repercussions of new methods of cargo handling (docks), which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Dock Work Convention, 1973,

adopts this twenty-fifth day of June of the year one thousand nine hundred and seventy-three, the following Recommendation, which may be cited as the Dock Work Recommendation, 1973:

I. Scope and definitions

1. Except as otherwise provided in Paragraph 36, this Recommendation applies to persons who are regularly available for work as dockworkers and who depend on their work as such for their main annual income.

2. For the purpose of this Recommendation the terms *dockworkers* and *dock work* mean persons and activities defined as such by national law or practice. The organisations of employers and workers concerned should be consulted on or otherwise participate in the establishment and revision of such definitions. Account should be taken in this connection of new methods of cargo handling and their effect on the various dockworker occupations.

II. The impact of changes in cargo-handling methods

3. In each country and, as appropriate, each port, the probable impact of changes in cargo-handling methods, including the impact on the employment opportunities for, and the conditions of employment of, dockworkers, as well as on the occupational structure in ports, should be regularly and systematically assessed, and the action to be taken in consequence systematically reviewed, by bodies in which representatives of the organisations of employers and workers concerned and, as appropriate, of the competent authorities participate.

4. The introduction of new methods of cargo handling and related measures should be co-ordinated with national and regional development and manpower programmes and policies.

5. For the purposes set out in Paragraphs 3 and 4, all relevant information should be collected continuously, including in particular:

- (a) statistics of freight movement through ports, showing the methods of handling used;
- (b) flow charts showing the origin and the destination of the main streams of freight handled, as well as the points of assembly and dispersion of the contents of containers and other unit loads;
- (c) estimates of future trends, if possible similarly presented;
- (d) forecasts of manpower required in ports to handle cargo, taking account of future developments in methods of cargo handling and in the origin and destination of the main streams of freight.

6. As far as possible, each country should adopt those changes in the methods of handling cargo which are best suited to its economy, having regard in particular to the relative availability of capital, especially foreign exchange, and of labour, and to inland transport facilities.

III. Regularisation of employment and income

A. Permanent or regular employment

7. In so far as practicable, permanent or regular employment should be provided for all dockworkers.

B. Guarantees of employment or income

8. (1) Where permanent or regular employment is not practicable, guarantees of employment and/or income should be provided, in a manner and to an extent depending on the economic and social situation of the country and port concerned.

(2) These guarantees might include any or all of the following:

- (a) employment for an agreed number of hours or shifts per year, per month or per week, or pay in lieu thereof;
- (b) attendance money, payable for being present at calls or otherwise available for work when no employment is obtained, under a scheme to which no financial contribution from the dockworkers is required;
- (c) unemployment benefit when no work is available.

9. Positive steps should be taken by all concerned to avert or minimise as far as possible any reduction of the workforce, without prejudice to the efficient conduct of dock work operations.

10. Adequate provision should be made for giving dockworkers financial protection in case of unavoidable reduction of the workforce by such means as:

- (a) unemployment insurance or other forms of social security;
- (b) severance allowance or other types of separation benefits paid by the employers;
- (c) such combination of benefits as may be provided for by national laws or regulations, or collective agreements.

C. Registration

11. Registers should be established and maintained for all occupational categories of dockworkers, in a manner determined by national law or practice, in order to:

- (a) prevent the use of supplementary labour when the work available is insufficient to provide an adequate livelihood to dockworkers;
- (b) operate schemes for the regularisation of employment or stabilisation of earnings and for the allocation of labour in ports.

12. The number of specialised categories should be reduced and their scope altered as the nature of the work changes and as more dockworkers become able to carry out a greater variety of tasks.

13. The distinction between work on board ship and work on shore should be eliminated, where possible, with a view to achieving greater interchangeability of labour, flexibility in allocation and efficiency in operations.

14. Where permanent or regular employment is not available for all dockworkers, the registers should take the form of either:

- (a) a single register; or
- (b) separate registers for:
 - (i) those in more or less regular employment;
 - (ii) those in a reserve pool.

15. No person should normally be employed as a dockworker unless he is registered as such. Exceptionally, when all available registered dockworkers are employed, other workers may be engaged.

16. The registered dockworker should make himself available for work in a manner determined by national law or practice.

D. Adjusting the strength of the registers

17. The strength of the registers should be periodically reviewed by the parties concerned, so as to achieve levels adequate, but not more than adequate, to the needs of the port. In such reviews, account should be taken of all relevant factors and in particular the long-term factors such as the changing methods of cargo handling and changing trends in trade.

18. (1) Where the need for particular categories of dockworkers decreases, every effort should be made to retain the workers concerned in jobs within the port industry by retraining them for work in other categories; the retraining should be provided well in advance of any anticipated change in the methods of operation.

(2) If reduction in the over-all strength of a register becomes unavoidable, all necessary efforts should be made to help dockworkers to find employment elsewhere through the provision of retraining facilities and the assistance of the public employment services.

19. (1) In so far as practicable, any necessary reduction in the strength of a register should be made gradually and without recourse to termination of employment. In this respect, experience with personnel planning techniques at the level of the undertaking can be usefully applied to ports.

(2) In determining the extent of the reduction, regard should be had to such means as:

- (a) natural wastage;
- (b) cessation of recruitment, except for workers with special skills for which dockworkers already registered cannot be trained;
- (c) exclusion of men who do not derive their main means of livelihood from dock work;
- (d) reducing the retirement age or facilitating voluntary early retirement by the grant of pensions, supplements to state pensions, or lump-sum payments; (e) permanent transfer of dockworkers from ports with excess of dockworkers to ports with shortage of such workers, wherever the situation warrants and subject to collective agreements and to the agreement of the workers concerned.

(3) Termination of employment should be envisaged only after due regard has been had to the means referred to in subparagraph (2) of this Paragraph and subject to whatever guarantees of employment may have been given. It should be based as far as possible on agreed criteria, should be subject to adequate notice, and should be accompanied by payments as set out in Paragraph 10.

E. Allocation

20. Except where permanent or regular employment with a particular employer exists, systems of allocation should be agreed upon which:

- (a) subject to the provisions of Paragraphs 11, 15 and 17, provide each employer with the labour required to secure a quick turn-round of ships, or in case of shortage, a fair share of such labour consistent with any established system of priorities;
- (b) provide each registered dockworker with a fair share of available work;
- (c) reduce to a minimum the necessity for attending calls for selection and allocation to a job and the time required for this purpose;
- (d) ensure that, so far as practicable and subject to the necessary rotation of shifts, dockworkers complete a task begun by them.

21. Subject to conditions to be prescribed by national laws or regulations or collective agreements, the transfer of dockworkers in the regular employment of one employer to temporary work with another should be permitted when required.

22. Subject to conditions to be prescribed by national laws or regulations or collective agreements, the temporary transfer of dockworkers on a voluntary basis from one port to another should be permitted when required.

IV. Labour-management relations

23. Discussions and negotiations between employers and workers concerned should aim not merely at settlement of current issues such as wages and conditions of work, but at an over-all arrangement encompassing the various social measures required to meet the impact of new methods of cargo handling.

24. The existence of organisations of employers and of dockworkers established in accordance with the principles of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949, able freely to enter into negotiations and to ensure the execution of agreements arrived at, should be recognised as being important for this purpose.

25. Where it does not already exist, appropriate joint industrial machinery should be set up with a view to creating a climate of confidence and co-operation between dockworkers and employers in which social and technical change can be brought about without tension or conflict and grievances promptly settled in accordance with the Examination of Grievances Recommendation, 1967.

26. Employers' and workers' organisations, together as appropriate with the competent authorities, should participate in the application of the social measures required, and in particular in the operation of schemes for the regularisation of employment or stabilisation of earnings.

27. Effective policies of communication between employers and dockworkers and between the leaders of workers' organisations and their members should be established in accordance with the Communications within the Undertaking Recommendation, 1967, and implemented by all possible means at all levels.

V. Organisation of work in ports

28. In order to secure the greatest social advantage of new methods of cargo handling, agreements should be concluded between employers or their organisations, on the one hand, and workers' organisations, on the other hand, with a view to their co-operation in improving the efficiency of work in ports, with the participation, as appropriate, of the competent authorities.

29. The measures to be covered by such agreements might include:

- (a) the use of scientific knowledge and techniques concerning the work environment with particular reference to conditions in ports;
- (b) comprehensive vocational training schemes, including training in safety measures;
- (c) mutual efforts to eliminate outdated practices;
- (d) increased flexibility in the deployment of dock labour between hold and hold, ship and ship, and ship and shore, and between shore jobs;
- (e) recourse, where necessary, to shift work and weekend work;
- (f) work organisation and training designed to enable dockworkers to carry out several related tasks;
- (g) the adaptation of the strength of gangs to agreed needs, with due regard to the necessity of ensuring reasonable rest periods;
- (h) mutual efforts to eliminate unproductive time as far as practicable;
- (i) provision for the effective use of mechanical equipment, subject to the observance of relevant safety standards and the weight restrictions required by the certified safe working capacity of the machine.

30. Such measures should be accompanied by agreements concerning the regularisation of employment or stabilisation of earnings and by the improvements in conditions of work referred to in the following Part of this Recommendation.

VI. Conditions of work and life

31. Laws and regulations concerning safety, health, welfare and vocational training applicable to industrial undertakings should be effectively applied in ports, with such technical variations as may be necessary; there should be adequate and qualified inspection services.

32. Standards as regards hours of work, weekly rest, holidays with pay and similar conditions should be not less favourable for dockworkers than for the majority of workers in industrial undertakings.

33. Measures should be adopted in regard to shift work, which include:

- (a) not placing the same worker on consecutive shifts, except within limits established by national laws or regulations or collective agreements;
- (b) special compensation for the inconvenience caused to the worker by shift work, including weekend work;
- (c) fixing an appropriate maximum duration and an appropriate timing of shifts, regard being had to local circumstances.

34. Where new methods of cargo handling are introduced and where tonnage rates or other forms of payment by results are in use, steps should be taken to review and, where necessary, revise the methods and the scales of pay. Where possible, the earnings of the dockworkers should be improved as a result of the introduction of the new methods of cargo handling.

35. Appropriate pension and retirement schemes should be introduced where they do not already exist.

VII. Miscellaneous provisions

36. Appropriate provisions of this Recommendation should, as far as practicable, also be applied to occasional and to seasonal dockworkers in accordance with national law and practice.

Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument to be revised	9 Mar 1932	Geneva, ILC 12th Session (21 June 1929)	66

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the marking of the weight on heavy packages transported by vessels, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Convention, which may be cited as the Marking of Weight (Packages Transported by Vessels) Convention, 1929, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.

2. In exceptional cases where it is difficult to determine the exact weight, national laws or regulations may allow an approximate weight to be marked.

3. The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned and not on the Government of a country through which it passes on the way to its destination.

4. It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other person or body.

Indigenous and tribal peoples*

Indigenous and Tribal Peoples Convention, 1989 (No. 169)	957
Indigenous and Tribal Populations Recommendation, 1957 (No. 104)	966

* 1) Outdated convention: Indigenous and Tribal Populations Convention, 1957 (No. 107). 2) Shelved conventions: Recruiting of Indigenous Workers Convention, 1936 (No. 50); Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104). 3) Withdrawn recommendations: Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58); Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59).

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	5 Sep 1991	Geneva, ILC 76th Session (27 June 1989)	22

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 76th Session on 7 June 1989, and

Noting the international standards contained in the Indigenous and Tribal Populations Convention and Recommendation, 1957, and

Recalling the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the many international instruments on the prevention of discrimination, and

Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards, and

Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live, and

Noting that in many parts of the world these peoples are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives have often been eroded, and

Calling attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding, and

Noting that the following provisions have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, as well as of the Inter-American Indian Institute, at appropriate levels and in their respective fields, and that it is proposed to continue this co-operation in promoting and securing the application of these provisions, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Indigenous and Tribal Populations Convention, 1957;

adopts this twenty-seventh day of June of the year one thousand nine hundred and eighty-nine the following Convention, which may be cited as the Indigenous and Tribal Peoples Convention, 1989;

Part I. General policy

Article 1

1. This Convention applies to:

- (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

3. The use of the term *peoples* in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

Article 2

1. Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.

2. Such action shall include measures for:

- (a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;
- (b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions;
- (c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life.

Article 3

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.

2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention.

Article 4

1. Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned.

2. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures.

Article 5

In applying the provisions of this Convention:

- (a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;
- (b) the integrity of the values, practices and institutions of these peoples shall be respected;
- (c) policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.

Article 6

1. In applying the provisions of this Convention, governments shall:

- (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
- (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
- (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

Article 8

1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.

2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and

with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.

3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

Article 9

1. To the extent compatible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.

2. The customs of these peoples in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.

Article 10

1. In imposing penalties laid down by general law on members of these peoples account shall be taken of their economic, social and cultural characteristics.

2. Preference shall be given to methods of punishment other than confinement in prison.

Article 11

The exaction from members of the peoples concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law, except in cases prescribed by law for all citizens.

Article 12

The peoples concerned shall be safeguarded against the abuse of their rights and shall be able to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.

Part II. Land

Article 13

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

2. The use of the term *lands* in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.

2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.

3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Article 15

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

Article 16

1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.

2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.

5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

Article 17

1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.

2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.

3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.

Article 18

Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.

Article 19

National agrarian programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to:

- (a) the provision of more land for these peoples when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these peoples already possess.

Part III. Recruitment and conditions of employment*Article 20*

1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.

2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:

- (a) admission to employment, including skilled employment, as well as measures for promotion and advancement;
- (b) equal remuneration for work of equal value;
- (c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;
- (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.

3. The measures taken shall include measures to ensure:

- (a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;
- (b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;
- (c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;
- (d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.

4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

Part IV. Vocational training, handicrafts and rural industries*Article 21*

Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

Article 22

1. Measures shall be taken to promote the voluntary participation of members of the peoples concerned in vocational training programmes of general application.
2. Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities.
3. Any special training programmes shall be based on the economic environment, social and cultural conditions and practical needs of the peoples concerned. Any studies made in this connection shall be carried out in co-operation with these peoples, who shall be consulted on the organisation and operation of such programmes. Where feasible, these peoples shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

Article 23

1. Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.
2. Upon the request of the peoples concerned, appropriate technical and financial assistance shall be provided wherever possible, taking into account the traditional technologies and cultural characteristics of these peoples, as well as the importance of sustainable and equitable development.

Part V. Social security and health*Article 24*

Social security schemes shall be extended progressively to cover the peoples concerned, and applied without discrimination against them.

Article 25

1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.
2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.
3. The health care system shall give preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.
4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

Part VI. Education and means of communication

Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.

2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.

3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.

2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.

3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

Article 30

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.

2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

Part VII. Contacts and co-operation across borders

Article 32

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

Part VIII. Administration

Article 33

1. The governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer the programmes affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfilment of the functions assigned to them.

2. These programmes shall include:

- (a) the planning, co-ordination, execution and evaluation, in co-operation with the peoples concerned, of the measures provided for in this Convention;
- (b) the proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in co-operation with the peoples concerned.

Part IX. General provisions

Article 34

The nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 35

The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws, awards, custom or agreements.

Part X. Final provisions

Article 36

This Convention revises the Indigenous and Tribal Populations Convention, 1957.

Indigenous and Tribal Populations Recommendation, 1957 (No. 104)

Status	Adoption
Up-to-date instrument	Geneva, ILC 40th Session (26 June 1957)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, supplementing the Indigenous and Tribal Populations Convention, 1957, and

Noting that the following standards have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, at appropriate levels and in their respective fields, and that it is proposed to seek their continuing co-operation in promoting and securing the application of these standards,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven, the following Recommendation, which may be cited as the Indigenous and Tribal Populations Recommendation, 1957:

The Conference recommends that each Member should apply the following provisions:

I. Preliminary provisions

1. (1) This Recommendation applies to:

- (a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

(2) For the purposes of this Recommendation, the term *semi-tribal* includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

(3) The indigenous and other tribal or semi-tribal populations mentioned in subparagraphs (1) and (2) of this Paragraph are referred to hereinafter as the populations concerned.

II. Land

2. Legislative or administrative measures should be adopted for the regulation of the conditions, de facto or de jure, in which the populations concerned use the land.

3. (1) The populations concerned should be assured of a land reserve adequate for the needs of shifting cultivation so long as no better system of cultivation can be introduced.

(2) Pending the attainment of the objectives of a settlement policy for semi-nomadic groups, zones should be established within which the livestock of such groups can graze without hindrance.

4. Members of the populations concerned should receive the same treatment as other members of the national population in relation to the ownership of underground wealth or to preference rights in the development of such wealth.

5. (1) Save in exceptional circumstances defined by law the direct or indirect lease of lands owned by members of the populations concerned to persons or bodies not belonging to these populations should be restricted.

(2) In cases in which such lease is allowed, arrangements should be made to ensure that the owners will be paid equitable rents. Rents paid in respect of collectively owned land should be used, under appropriate regulations, for the benefit of the group which owns it.

6. The mortgaging of land owned by members of the populations concerned to a person or body not belonging to these populations should be restricted.

7. Appropriate measures should be taken for the elimination of indebtedness among farmers belonging to the populations concerned. Co-operative systems of credit should be organised, and low-interest loans, technical aid and, where appropriate, subsidies, should be extended to these farmers to enable them to develop their lands.

8. Where appropriate, modern methods of co-operative production, supply and marketing should be adapted to the traditional forms of communal ownership and use of land and production implements among the populations concerned and to their traditional systems of community service and mutual aid.

III. Recruitment and conditions of employment

9. So long as the populations concerned are not in a position to enjoy the protection granted by law to workers in general, recruitment of workers belonging to these populations should be regulated by providing, in particular, for:

- (a) licensing of private recruiting agents and supervision of their activities;
- (b) safeguards against the disruptive influence of the recruitment of workers on their family and community life, including measures:
 - (i) prohibiting recruitment during specified periods and in specified areas;
 - (ii) enabling workers to maintain contact with, and participate in important tribal activities of, their communities of origin; and
 - (iii) ensuring protection of the dependants of recruited workers;
- (c) fixing the minimum age for recruitment and establishing special conditions for the recruitment of non-adult workers;
- (d) establishing health criteria to be fulfilled by workers at the time of recruitment;
- (e) establishing standards for the transport of recruited workers;
- (f) ensuring that the worker:
 - (i) understands the conditions of his employment, as a result of explanation in his mother tongue;
 - (ii) freely and knowingly accepts the conditions of his employment.

10. So long as the populations concerned are not in a position to enjoy the protection granted by law to workers in general, the wages and the personal liberty of workers belonging to these populations should be protected, in particular, by providing that:

- (a) wages shall normally be paid only in legal tender;
- (b) the payment of any part of wages in the form of alcohol or other spirituous beverages or noxious drugs shall be prohibited;
- (c) the payment of wages in taverns or stores, except in the case of workers employed therein, shall be prohibited;
- (d) the maximum amounts and manner of repayment of advances on wages and the extent to which and conditions under which deductions from wages may be permitted shall be regulated;
- (e) work stores or similar services operated in connection with the undertaking shall be supervised;

- (f) the withholding or confiscation of effects and tools which workers commonly use, on the ground of debt or unfulfilled labour contract, without prior approval of the competent judicial or administrative authority shall be prohibited;
- (g) interference with the personal liberty of workers on the ground of debt shall be prohibited.

11. The right to repatriation to the community of origin, at the expense of the recruiter or the employer, should be ensured in all cases where the worker:

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment or in the course of employment;
- (b) is found on medical examination to be unfit for employment;
- (c) is not engaged, after having been sent forward for engagement, for a reason for which he is not responsible;
- (d) is found by the competent authority to have been recruited by misrepresentation or mistake.

12. (1) Measures should be taken to facilitate the adaptation of workers belonging to the populations concerned to the concepts and methods of industrial relations in a modern society.

(2) Where necessary, standard contracts of employment should be drawn up in consultation with representatives of the workers and employers concerned. Such contracts should set out the respective rights and obligations of workers and employers, together with the conditions under which the contracts may be terminated. Adequate measures should be taken to ensure observance of these contracts.

13. (1) Measures should be adopted, in conformity with the law, to promote the stabilisation of workers and their families in or near employment centres, where such stabilisation is in the interests of the workers and of the economy of the countries concerned.

(2) In applying such measures, special attention should be paid to the problems involved in the adjustment of workers belonging to the populations concerned and their families to the forms of life and work of their new social and economic environment.

14. The migration of workers belonging to the populations concerned should, when considered to be contrary to the interests of the workers and of their communities, be discouraged by measures designed to raise the standards of living in the areas which they traditionally occupy.

15. (1) Governments should establish public employment services, stationary or mobile, in areas in which workers belonging to the populations concerned are recruited in large numbers.

(2) Such services should, in addition to assisting workers to find employment and assisting employers to find workers:

- (a) determine the extent to which manpower shortages existing in other regions of the country could be met by manpower available in areas inhabited by the populations concerned without social or economic disturbance in these areas;
- (b) advise workers and their employers on provisions concerning them contained in laws, regulations and contracts, relating to wages, housing, benefits for employment injuries, transportation and other conditions of employment;
- (c) co-operate with the authorities responsible for the enforcement of laws or regulations ensuring the protection of the populations concerned and, where necessary, be entrusted with responsibility for the control of procedures connected with the recruitment and conditions of employment of workers belonging to these populations.

IV. Vocational training

16. Programmes for the vocational training of the populations concerned should include provision for the training of members of these populations as instructors. Instructors should be conversant with such techniques, including where possible an understanding of anthropological and psychological factors, as would enable them to adapt their teaching to the particular conditions and needs of these populations.

17. the vocational training of members of the populations concerned should, as far as practicable, be carried out near the place where they live or in the place where they work.

18. During the early stages of integration this training should be given, as far as possible, in the vernacular language of the group concerned.

19. Programmes for the vocational training of the populations concerned should be co-ordinated with measures of assistance enabling independent workers to acquire the necessary materials and equipment and assisting wage earners in finding employment appropriate to their qualifications.

20. Programmes and methods of vocational training for the populations concerned should be co-ordinated with programmes and methods of fundamental education.

21. During the period of vocational training of members of the populations concerned, they should be given all possible assistance to enable them to take advantage of the facilities provided, including, where feasible, scholarships.

V. Handicrafts and rural industries

22. Programmes for the promotion of handicrafts and rural industries among the populations concerned should, in particular, aim at:

- (a) improving techniques and methods of work as well as working conditions;
- (b) developing all aspects of production and marketing, including credit facilities, protection against monopoly controls and against exploitation by middlemen, provision of raw materials at equitable prices, establishment of standards of craftsmanship, and protection of designs and of special aesthetic features of products; and
- (c) encouraging the formation of co-operatives.

VI. Social security and measures of assistance

23. The extension of social security schemes to workers belonging to the populations concerned should be preceded or accompanied, as conditions may require, by measures to improve their general social and economic conditions.

24. In the case of independent primary producers provision should be made for:

- (a) instruction in modern methods of farming;
- (b) supply of equipment, for example implements, stocks, seeds; and
- (c) protection against the loss of livelihood resulting from natural hazards to crops or stock.

VII. Health

25. The populations concerned should be encouraged to organise in their communities local health boards or committees to look after the health of their members. The formation of these bodies should be accompanied by a suitable educational effort to ensure that full advantage is taken of them.

26. (1) Special facilities should be provided for the training of members of the populations concerned as auxiliary health workers and professional medical and sanitary personnel, where these members are not in a position to acquire such training through the ordinary facilities of the country.

(2) Care should be taken to ensure that the provision of special facilities does not have the effect of depriving members of the populations concerned of the opportunity to obtain their training through the ordinary facilities.

27. The professional health personnel working among the populations concerned should have training in anthropological and psychological techniques which will enable them to adapt their work to the cultural characteristics of these populations.

VIII. Education

28. Scientific research should be organised and financed with a view to determining the most appropriate methods for the teaching of reading and writing to the children belonging to the populations concerned and for the utilisation of the mother tongue or the vernacular language as a vehicle of instruction.

29. Teachers working among the populations concerned should have training in anthropological and psychological techniques which will enable them to adapt their work to the cultural characteristics of these populations. These teachers should, as far as possible, be recruited from among such populations.

30. Pre-vocational instruction, with emphasis on the teaching of subjects relating to agriculture, handicrafts, rural industries and home economics, should be introduced in the programmes of primary education intended for the populations concerned.

31. Elementary health instruction should be included in the programmes of primary education intended for the populations concerned.

32. The primary education of the populations concerned should be supplemented, as far as possible, by campaigns of fundamental education. These campaigns should be designed to help children and adults to understand the problems of their environment and their rights and duties as citizens and individuals, thereby enabling them to participate more effectively in the economic and social progress of their community.

IX. Languages and other means of communication

33. Where appropriate the integration of the populations concerned should be facilitated by:

- (a) enriching the technical and juridical vocabulary of their vernacular languages and dialects;
- (b) establishing alphabets for the writing of these languages and dialects;
- (c) publishing in these languages and dialects readers adapted to the educational and cultural level of the populations concerned; and
- (d) publishing bilingual dictionaries.

34. Methods of audio-visual communication should be employed as means of information among the populations concerned.

X. Tribal groups in frontier zones

35. (1) Where appropriate and practicable, intergovernmental action should be taken, by means of agreements between the governments concerned, to protect semi-nomadic tribal groups whose traditional territories lie across international boundaries.

(2) Such action should aim in particular at:

- (a) ensuring that members of these groups who work in another country receive fair wages in accordance with the standards in operation in the region of employment;
- (b) assisting these workers to improve their conditions of life without discrimination on account of their nationality or of their semi-nomadic character.

XI. Administration

36. Administrative arrangements should be made, either through government agencies specially created for the purpose or through appropriate co-ordination of the activities of other government agencies, for:

- (a) ensuring enforcement of legislative and administrative provisions for the protection and integration of the populations concerned;
- (b) ensuring effective possession of land and use of other natural resources by members of these populations;
- (c) administering the property and income of these populations when necessary in their interests;
- (d) providing free legal aid for the members of the populations concerned that may need legal aid but cannot afford it;
- (e) establishing and maintaining educational and health services for the populations concerned;
- (f) promoting research designed to facilitate understanding of the way of life of such populations and of the process of their integration into the national community;
- (g) preventing the exploitation of workers belonging to the populations concerned on account of their unfamiliarity with the industrial environment to which they are introduced;

(h) where appropriate, supervising and co-ordinating, within the framework of the programmes of protection and integration, the activities, whether philanthropic or profit-making, carried out by individuals and corporate bodies, public or private, in regions inhabited by the populations concerned.

37. (1) National agencies specifically responsible for the protection and integration of the populations concerned should be provided with regional centres, situated in areas where these populations are numerous.

(2) These agencies should be staffed by officials selected and trained for the special tasks they have to perform. As far as possible, these officials should be recruited from among the members of the populations concerned.

Specific categories of workers*

Plantations Convention, 1958 (No. 110)	975
Protocol of 1982 to the Plantations Convention, 1958 (No. 110)	991
Plantations Recommendation, 1958 (No. 110)	993
Tenants and Share-croppers Recommendation, 1968 (No. 132)	999
Nursing Personnel Convention, 1977 (No. 149)	1004
Nursing Personnel Recommendation, 1977 (No. 157)	1006
Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)	1018
Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179)	1021
Home Work Convention, 1996 (No. 177)	1023
Home Work Recommendation, 1996 (No. 184)	1025
Domestic Workers Convention, 2011 (No. 189)	1029
Domestic Workers Recommendation, 2011 (No. 201)	1034
Older Workers Recommendation, 1980 (No. 162)	1039
Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)	1044
Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8)	1047

* Withdrawn instrument: Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16)

Plantations Convention, 1958 (No. 110)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	22 Jan 1960	Geneva, ILC 42nd Session (24 June 1958)	12 Denounced: 2

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having considered the question of conditions of employment of plantation workers, which is the fifth item on the agenda of the session, and

Having decided that, as an exceptional measure, in order to expedite the application to plantations of certain provisions of existing Conventions, pending the more general ratification of these Conventions and the application of their provisions to all persons within their scope, and to provide for the application to plantations of certain Conventions not at present applicable thereto, it is desirable to adopt an instrument for these purposes, and

Having determined that this instrument shall take the form of an international Convention, adopts this twenty-fourth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Plantations Convention, 1958:

Part I. General provisions

Article 1

1. For the purpose of this Convention, the term *plantation* includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.

2. Each Member for which this Convention is in force may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Convention applicable to other plantations by:

- (a) adding to the list of crops referred to in paragraph 1 of this Article any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;
- (b) adding to the plantations covered by paragraph 1 of this Article classes of undertakings not referred to therein which, by national law or practice, are classified as plantations;

and shall indicate the action taken in its annual reports upon the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.

3. For the purpose of this Article the term *plantation* shall ordinarily include services carrying out the primary processing of the product or products of the plantation.

Article 2

Each Member which ratifies this Convention undertakes to apply its provisions equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.

Article 3

1. Each Member for which this Convention is in force:
 - (a) shall comply with:
 - (i) Part I;
 - (ii) Parts IV, IX and XI;
 - (iii) at least two of Parts II, III, V, VI, VII, VIII, X, XII and XIII; and
 - (iv) Part XIV;
 - (b) shall, if it has excluded one or more Parts from its acceptance of the obligations of the Convention, specify, in a declaration appended to its ratification, the Part or Parts so excluded.

2. Each Member which has made a declaration under paragraph 1 (b) of this Article shall indicate in its annual reports submitted under article 22 of the Constitution of the International Labour Organisation any progress made towards the application of the excluded Part or Parts.

3. Each Member which has ratified the Convention, but has excluded any Part or Parts thereof under the provisions of the preceding paragraphs, may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of any Part or Parts so excluded; such undertakings shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

Article 4

In accordance with Article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for by the Convention.

Part II. Engagement and recruitment of migrant workers*Article 5*

For the purposes of this Part of this Convention the term *recruiting* includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the competent authority.

Article 6

The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family.

Article 7

No person or association shall engage in professional recruiting unless the said person or association has been licensed by the competent authority and is recruiting workers for a public department or for one or more specific employers or organisations of employers.

Article 8

Employers, employers' agents, organisations of employers, organisations subsidised by employers, and the agents of organisations of employers and of organisations subsidised by employers shall only engage in recruiting if licensed by the competent authority.

Article 9

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.

2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

Article 10

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

Article 11

1. Every recruited worker shall be medically examined.

2. Where the worker has been recruited for employment at a distance from the place of recruiting, or has been recruited in one territory for employment in a territory under a different administration, the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 9 to authorise the departure prior to medical examination of workers in whose case they are satisfied:

- (a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;
- (b) that the worker is fit for the journey and the prospective employment; and
- (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.

5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

Article 12

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

2. The competent authority shall take all necessary measures to ensure:

- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;

- (b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and
- (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When recruited workers have to make long journeys on foot to the place of employment the competent authority shall take all necessary measures to ensure:

- (a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and
- (b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

4. When recruited workers have to make long journeys in groups to the place of employment, they shall be convoyed by a responsible person.

Article 13

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

Article 14

Any recruited worker who:

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment,
- (b) is found on medical examination to be unfit for employment,
- (c) is not engaged after recruiting for a reason for which he is not responsible, or
- (d) is found by the competent authority to have been recruited by misrepresentation or mistake,

shall be repatriated at the expense of the recruiter or employer.

Article 15

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly:

- (a) Articles 12 and 13 of this Convention shall apply to such families;
- (b) in the event of the worker being repatriated in virtue of Article 14, his family shall also be repatriated; and
- (c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

Article 16

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made.

Article 17

1. Each Member for which this Part of this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For this purpose it will, where appropriate, act in co-operation with other Members concerned.

Article 18

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment on a plantation.

Article 19

Each Member for which this Part of this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for:

- (a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment on a plantation and the members of their families authorised to accompany or join them are in reasonable health;
- (b) ensuring that migrants for employment on a plantation and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

Part III. Contracts of employment and abolition of penal sanctions*Article 20*

1. The law and/or regulations in force in the territory concerned shall prescribe the maximum period of service which may be stipulated or implied in any contract, whether written or oral.

2. The maximum period of service which may be stipulated or implied in any contract for employment not involving a long and expensive journey shall in no case exceed 12 months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

3. The maximum period of service which may be stipulated or implied in any contract for employment involving a long and expensive journey shall in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

4. The competent authority may, after consultation with the employers' and workers' organisations representative of the interests concerned, where such exist, exclude from the application of this Part of this Convention contracts entered into between employers and non-manual workers whose freedom of choice in employment is satisfactorily safeguarded; such exclusion may apply to all plantation workers in a territory, to plantation workers engaged in the production of a particular crop, to the workers in any specified undertaking or to special groups of plantation workers.

Article 21

The competent authority in each country where there exists any penal sanction for any breach of a contract of employment by a plantation worker shall take action for the abolition of all such penal sanctions.

Article 22

Such action shall provide for the abolition of all such penal sanctions by means of an appropriate measure of immediate application.

Article 23

For the purpose of this Part of the Convention the term *breach of contract* means:

- (a) any refusal or failure of the worker to commence or perform the service stipulated in the contract;
- (b) any neglect of duty or lack of diligence on the part of the worker;
- (c) the absence of the worker without permission or valid reason; and
- (d) the desertion of the worker.

Part IV. Wages*Article 24*

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organisations shall be encouraged.

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed, where appropriate by means of national laws or regulations, in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist, such consultation to be on a basis of complete equality.

3. Minimum rates of wages which have been fixed in accordance with arrangements made in pursuance of the preceding paragraph shall be binding on the employers and workers concerned so as not to be subject to abatement.

Article 25

1. Each Member for which this Convention is in force shall take the necessary measures to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable; these measures shall include such provision for supervision, inspection, and sanctions as may be necessary and appropriate to the conditions obtaining on plantations in the country concerned.

2. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other appropriate proceedings, the amount by which he has been underpaid, subject to such limitations of time as may be determined by national laws or regulations.

Article 26

Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited.

Article 27

1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of wages in the form of allowances in kind where payment in the form of such allowances is customary or desirable; the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances.

2. In cases in which partial payment of wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that such allowances are appropriate for the personal use and benefit of the worker and his family.

3. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken to ensure that they are adequate and their cash value properly assessed.

Article 28

Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

Article 29

Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

Article 30

1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.

2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

Article 31

1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made.

Article 32

Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited.

Article 33

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

Article 34

Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner:

- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed; and
- (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change.

Article 35

The laws or regulations giving effect to the provisions of Articles 26 to 34 of this Convention shall:

- (a) be made available for the information of persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) prescribe adequate penalties or other appropriate remedies for any violation thereof;
- (d) provide for the maintenance, in all appropriate cases, of adequate records in an approved form and manner.

Part V. Annual holidays with pay

Article 36

Workers employed on plantations shall be granted an annual holiday with pay after a period of continuous service with the same employer.

Article 37

1. Each Member for which this Part of this Convention is in force shall be free to decide the manner in which provision shall be made for holidays with pay on plantations.

2. Such provision may be made, where appropriate, by means of collective agreement or by entrusting the regulation of holidays with pay on plantations to special bodies.

3. Wherever the manner in which provision is made for holidays with pay on plantations permits:

- (a) there shall be full preliminary consultation with the most representative organisations of employers and workers concerned, where such exist, and with any other persons, specially qualified by their trade or functions, whom the competent authority deems it useful to consult;
- (b) the employers and workers concerned shall participate in the regulation of holidays with pay, or be consulted or have the right to be heard, in such manner and to such extent as may be determined by national laws or regulations, but in any case on a basis of complete equality.

Article 38

The required minimum period of continuous service and the minimum duration of the annual holiday with pay shall be determined by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.

Article 39

Where appropriate, provision shall be made, in accordance with the established procedure for the regulation of holidays with pay on plantations, for:

- (a) more favourable treatment for young workers, in cases in which the annual holiday with pay granted to adult workers is not considered adequate for young workers;
- (b) an increase in the duration of the annual paid holiday with the length of service;
- (c) proportionate holidays or payment in lieu thereof, in cases where the period of continuous service of a worker is not of sufficient duration to qualify him for an annual holiday with

pay but exceeds such minimum period as may be determined in accordance with the established procedure;

- (d) the exclusion from the annual holiday with pay of public and customary holidays and weekly rest periods, and, to such extent as may be determined in accordance with the established procedure, temporary interruptions of attendance at work due to such causes as sickness or accident.

Article 40

1. Every person taking a holiday in virtue of this Part of this Convention shall receive, in respect of the full period of the holiday, not less than his usual remuneration, or such remuneration as may be prescribed in accordance with paragraphs 2 and 3 of this Article.

2. The remuneration payable in respect of the holiday shall be calculated as prescribed by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.

3. Where the remuneration of the person taking a holiday includes payments in kind, provision may be made for the payment in respect of holidays of the cash equivalent of such payments in kind.

Article 41

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

Article 42

A person who is dismissed or who has relinquished his employment before he has taken the whole or any part of the holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Part of this Convention the remuneration provided for in Article 40.

Part VI. Weekly rest

Article 43

1. Plantation workers shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least 24 consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to all the workers of each plantation.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

Article 44

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 43, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

Article 45

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 44, except in cases where agreements or customs already provide for such periods.

Part VII. Maternity protection

Article 46

For the purpose of this Part of this Convention, the term *woman* means any female person, irrespective of age, nationality, race or creed whether married or unmarried, and the term *child* means any child whether born of marriage or not.

Article 47

1. A woman to whom this Part of this Convention applies shall, on the production of appropriate evidence of the presumed date of her confinement, be entitled to a period of maternity leave.

2. The competent authority may, after consultation with the most representative organisations of employers and workers, where such exist, prescribe a qualifying period for maternity leave which shall not exceed a total of 150 days of employment with the same employer during the 12 months preceding the confinement.

3. The period of maternity leave shall be at least 12 weeks, and shall include a period of compulsory leave after confinement.

4. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

5. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement, and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

6. In case of illness suitably certified as arising out of pregnancy national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

7. In case of illness suitably certified as arising out of confinement the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

8. No pregnant woman shall be required to undertake any type of work harmful to her in the period prior to her maternity leave.

Article 48

1. While absent from work on maternity leave in accordance with the provisions of Article 47, the woman shall be entitled to receive cash and medical benefits.

2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3. Medical benefits shall include prenatal, confinement and postnatal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary: freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected as far as practicable.

4. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex.

Article 49

1. If a woman is nursing her child she shall be entitled to interrupt her work for this purpose, under conditions to be prescribed by national laws or regulations.

2. Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

Article 50

1. While a woman is absent from work on maternity leave in accordance with the provisions of Article 47, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such time that the notice would expire during such absence.

2. The dismissal of a woman solely because she is pregnant or a nursing mother shall be prohibited.

Part VIII. Workmen's compensation*Article 51*

Each Member of the International Labour Organisation for which this Part of this Convention is in force undertakes to extend to all plantation workers its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

Article 52

1. Each Member for which this Part of this Convention is in force undertakes to grant to the nationals of any other Member for which this Part of this Convention is in force, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

Article 53

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

Part IX. Right to organise and collective bargaining*Article 54*

The right of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

Article 55

All procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible.

Article 56

1. Employers and workers shall be encouraged to avoid disputes and, if they arise, to reach fair settlements by means of conciliation.
2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.
3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.
4. Where practicable, these officers shall be officers specially assigned to such duties.

Article 57

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.
2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

Article 58

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to:
 - (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
 - (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 59

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 60

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

Article 61

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Part X. Freedom of association

Article 62

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 63

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 64

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 65

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 66

The provisions of Articles 62, 63 and 64 apply to federations and confederations of workers' and employers' organisations.

Article 67

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 62, 63 and 64.

Article 68

1. In exercising the rights provided for in this Part of this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Part of this Convention.

Article 69

In this Part of this Convention the term **organisation** means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

Article 70

Each Member for which this Part of this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Part XI. Labour inspection

Article 71

Each Member for which this Convention is in force shall maintain a system of labour inspection.

Article 72

Labour inspection services shall consist of suitably trained inspectors.

Article 73

Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

Article 74

1. The functions of the system of labour inspection shall be:

- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

Article 75

The competent authority shall make appropriate arrangements to promote:

- (a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and
- (b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

Article 76

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

Article 77

1. The competent authority shall make the necessary arrangements to furnish labour inspectors with:

- (a) local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;
- (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 78

1. Labour inspectors provided with proper credentials shall be empowered:
 - (a) to enter freely and without previous notice at any hour of the day or night any place of employment liable to inspection;
 - (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and
 - (c) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed and, in particular:
 - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
 - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions and to copy such documents or make extracts from them;
 - (iii) to enforce the posting of notices required by the legal provisions;
 - (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.
2. On the occasion of an inspection visit inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 79

Subject to such exceptions as may be made by law or regulation, labour inspectors:

- (a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and
- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 80

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

Article 81

Places of employment shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Article 82

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

Article 83

Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

Article 84

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

Part XII. Housing*Article 85*

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, encourage the provision of adequate housing accommodation for plantation workers.

Article 86

1. The minimum standards and specifications of the accommodation to be provided in accordance with the preceding Article shall be laid down by the appropriate public authority. The latter shall, wherever practicable, constitute advisory boards consisting of representatives of employers and workers for consultation in regard to matters connected with housing.

2. Such minimum standards shall include specifications concerning:

- (a) the construction materials to be used;
- (b) the minimum size of accommodation, its layout, ventilation, and floor and air space;
- (c) verandah space, cooking, washing, storage, water supply and sanitary facilities.

Article 87

Adequate penalties for violations of the legal provisions made in accordance with the preceding Article shall be provided for by laws or regulations and effectively enforced.

Article 88

1. Where housing is provided by the employer the conditions under which plantation workers are entitled to occupancy shall be not less favourable than those established by national custom or national legislation.

2. Whenever a resident worker is discharged he shall be allowed a reasonable time in which to vacate the house. Where the time allowed is not fixed by law it shall be determined by recognised negotiating machinery, or, failing agreement on the subject, by recourse to the normal procedure of the civil courts.

Part XIII. Medical care*Article 89*

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, encourage the provision of adequate medical services for plantation workers and members of their families.

Article 90

1. Medical services shall be of a standard prescribed by the public authorities, shall be adequate having regard to the number of persons involved, and shall be operated by a sufficient number of qualified personnel.

2. Such services where provided by the appropriate public authorities shall conform to the standards, customs and practices of the authority concerned.

Article 91

The appropriate authority, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, shall take steps in plantation areas to eradicate or control prevalent endemic diseases.

Protocol of 1982 to the Plantations Convention, 1958 (No. 110)

Status	Entry into force	Adoption
Up-to-date instrument	18 June 1982	Geneva, ILC 68th Session (18 June 1982)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-eighth Session on 2 June 1982, and

Having decided upon the adoption of certain proposals with regard to the revision of the Plantations Convention and Recommendation, 1958, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol limited to the revision of the relevant provisions of the Plantations Convention, 1958,

adopts this eighteenth day of June of the year one thousand nine hundred and eighty-two in accordance with the provisions of article 19 of the Constitution of the International Labour Organisation relating to Conventions, the following Protocol, which may be cited as the Protocol to the Plantations Convention, 1958.

Article 1

A Member may, by a declaration appended to its ratification of the Plantations Convention, 1958, specify that it ratifies the Convention with the substitution for Article 1 thereof of the following text:

Article 1 (revised)

1. For the purpose of this Convention, the term 'plantation' includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugar-cane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.

2. A Member ratifying this Convention may, after consultation with the most representative organisations of employers and workers concerned, where such exist, exclude from the application of the Convention undertakings the area of which covers not more than 12.5 acres

(5 hectares) and which employ not more than ten workers at any time during a calendar year. It shall indicate, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, the categories of undertakings excluded and, in subsequent reports, any measures which it may have taken with a view to applying the Convention to some or all of the categories excluded, as well as any measures which it may have taken with a view to ensuring that the Convention continues to be applied to undertakings which come within the exclusion provided for in this paragraph but which have been created by the division of a plantation after the entry into force of Article 1 (revised) for the Member concerned.

3. Each Member for which this Convention is in force may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Convention applicable to other plantations by:

- (a) adding to the list of crops referred to in paragraph 1 of this Article any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;
- (b) adding to the plantations covered by paragraph 1 of this Article classes of undertakings not referred to therein which, by national law or practice, are classified as plantations;

and shall indicate the action taken in its annual reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.

4. For the purpose of this Article the term 'plantation' shall ordinarily include services carrying out the primary processing of the product or products of the plantation, on or in close proximity to the site of the latter."

Article 2

1. A Member already a party to the Plantations Convention, 1958, may, by communicating its formal ratification of this Protocol to the Director-General of the International Labour Office for registration, accept the revised text of Article 1 of the Convention set out in Article 1 of this Protocol. Such ratification shall take effect twelve months after the date on which it has been registered by the Director-General. Thereafter the Convention shall be binding on the Member concerned with the substitution of the revised text of Article 1 for the original text of that Article.

2. The reference in paragraph 2 of the revised text of Article 1 of the Convention to the first report on the application of the Convention shall be construed, in the case of a Member already a party to the Convention, as a reference to its first report submitted after the coming into force of this Protocol for the Member concerned.

3. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications of this Protocol communicated to him by parties to the Convention.

4. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications registered by him in accordance with the provisions of paragraph 1 of this Article.

Article 3

The English and the French versions of the text of this Protocol are equally authoritative.

Plantations Recommendation, 1958 (No. 110)

Status	Adoption
Up-to-date instrument	Geneva, ILC 42nd Session (24 June 1958)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and
 Having decided upon the adoption of certain proposals concerning the conditions of employment of plantation workers, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-fourth day of June of the year one thousand nine hundred and fifty-eight, the following Recommendation, which may be cited as the Plantations Recommendation, 1958:

The Conference recommends that each Member should apply the following provisions:

I. Preliminary provisions

1. (1) For the purpose of this Recommendation, the term *plantation* includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.

(2) Each Member may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Recommendation applicable to other plantations by:

- (a) adding to the list of crops referred to in subparagraph (1) of this Paragraph any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;
- (b) adding to the plantations covered by subparagraph (1) of this Paragraph classes of undertakings not referred to therein which, by national law or practice, are classified as plantations; and should inform the Director-General of the International Labour Office of the action taken under this subparagraph in its reports submitted in accordance with article 19, paragraph 6, of the Constitution of the International Labour Organisation.

(3) For the purpose of this Paragraph the term *plantation* ordinarily includes services carrying out the primary processing of the product or products of the plantation.

2. Each Member should apply the provisions of this Recommendation equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.

3. Each Member of the International Labour Organisation should report to the International Labour Office, at appropriate intervals, as requested by the Governing Body, the position of the law and practice in the countries and territories for which the Member is responsible in regard to the matters dealt with in the Recommendation. Such reports should show the extent to which effect has been given, or is proposed to be given, to the provisions of this Recommendation and such modification of those provisions as it has been found or may be found necessary to make in adopting or applying them.

4. In accordance with article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Recommendation affects any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in this Recommendation.

II. Vocational training

5. In each country the public authorities, other appropriate bodies, or a combination of both, should ensure that vocational training is provided and organised in an effective, rational, systematic and co-ordinated programme.

6. (1) In underdeveloped areas lacking training facilities one of the first steps should be the creation of a body of trained teachers and instructors.

(2) Even where such trained teachers and instructors are not available all possible assistance should be given to the development of training facilities on plantations where the operator is adequately qualified to provide practical instruction.

7. Responsibility for the training programmes should be entrusted to the authority or authorities capable of obtaining the best results and, in cases where the responsibility is entrusted to several authorities jointly, measures for ensuring co-ordination of the training programmes should be taken. Local authorities should collaborate in the development of the training programmes. Close collaboration should be maintained with the organisations of employers and workers concerned and with other interested organisations, where such exist.

8. While local financial contributions to training programmes are in many places called for, the public authorities, to the extent considered appropriate and necessary, should also assist public and private training programmes in such ways as: making available financial contributions; contributing land, buildings, transport, equipment and teaching material; contributing through scholarships or otherwise to the living expenses or wages of trainees during the course of training, and making entry into residential plantation schools free of charge to appropriately qualified trainees, especially those who cannot afford to pay for the training.

III. Wages

9. The maximum intervals for the payment of wages should ensure that wages are paid:

- (a) not less often than twice a month at intervals not exceeding 16 days in the case of workers whose wages are calculated by the hour, day or week; and
- (b) not less often than once a month in the case of employed persons whose remuneration is fixed on a monthly or annual basis.

10. (1) In the case of workers whose wages are calculated on a piecework or output basis, the maximum intervals for the payment of wages should, so far as possible, be so fixed as to ensure that wages are paid not less often than twice a month at intervals not exceeding 16 days.

(2) In the case of workers employed to perform a task the completion of which requires more than a fortnight, and in respect of whom intervals for the payment of wages are not otherwise fixed by collective agreement or arbitration award, appropriate measures should be taken to ensure:

- (a) that payments are made on account, not less often than twice a month at intervals not exceeding 16 days, in proportion to the amount of work completed; and
- (b) that final settlement is made within a fortnight of the completion of the task.

11. The details of the wages conditions which should be brought to the knowledge of the workers should include, wherever appropriate, particulars concerning:

- (a) the rates of wages payable;
- (b) the method of calculation;
- (c) the periodicity of wage payments;
- (d) the place of payment; and
- (e) the conditions under which deductions may be made.

12. In all appropriate cases workers should be informed, with each payment of wages, of the following particulars relating to the pay period concerned, in so far as such particulars may be subject to change:

- (a) the gross amount of wages earned;
- (b) any deduction which may have been made, including the reasons therefor and the amount thereof; and
- (c) the net amount of wages due.

13. Employers should be required in appropriate cases to maintain records showing, in respect of each worker employed, the particulars specified in the preceding Paragraph.

14. (1) The necessary measures should be taken to ensure the proper payment of all wages earned and employers should be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

(2) Wages should normally be paid in cash only and direct to the individual worker.

(3) Unless there is an established local custom to the contrary, the continuance of which is desired by the workers, wages should be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

(4) Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps should be taken by the competent authority to control strictly their adequacy and their cash value.

(5) All practicable measures should be taken:

(a) to inform the workers of their wage rights;

(b) to prevent any unauthorised deductions from wages; and

(c) to restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the cash value thereof.

15. (1) Voluntary forms of thrift among wage earners should be encouraged.

(2) The maximum amounts and manner of repayment of advances on wages should be regulated by the competent authority.

(3) The competent authority should limit the amount of advances which may be paid to a worker who has been engaged from outside the territory. The amount of any such advances should be clearly explained to the worker. Any advance made in excess of the amount laid down by the competent authority should be irrecoverable at law.

(4) All practicable measures should be taken for the protection of wage earners against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money-lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

16. For the purpose of determining minimum rates of wages to be fixed it is desirable that the wage-fixing body should in any case take account of the necessity of enabling the workers concerned to maintain a suitable standard of living.

17. Among the factors which should be taken into consideration in the fixing of minimum wage rates are the following: the cost of living, fair and reasonable value of services rendered, wages paid for similar or comparable work under collective bargaining agreements, and the general level of wages for work of a comparable skill in the area where the workers are sufficiently organised.

18. Whatever form it may assume, the minimum wage fixing machinery should operate by way of investigation into conditions on plantations and consultation with the parties who are primarily and principally concerned, namely employers and workers, or their most representative organisations, where such exist. The opinion of both parties should be sought on all questions concerning minimum wage fixing and full and equal consideration given to their opinion.

19. To secure greater authority for the rates that may be fixed, in cases where the machinery adopted for fixing minimum wages makes it possible, the workers and employers concerned should be enabled to participate directly and on an equal footing in the operation of such machinery through their representatives, who should be equal in number or in any case have an equal number of votes.

20. In order that the employers' and workers' representatives should enjoy the confidence of those whose interest they respectively represent, in the case referred to in Paragraph 19 above, the employers and workers concerned should have the right, in so far as circumstances permit, to participate in the nomination of the representatives, and, if any organisations of employers and workers exist, these should in any case be invited to submit names of persons recommended by them for appointment on the wage-fixing body.

21. In the case where the machinery for minimum wage fixing provides for the participation of independent persons, whether for arbitration or otherwise, these should be chosen from among men or women who are recognised as possessing the necessary qualifications for their duties and who have no such interest in plantations and related undertakings as would give rise to doubt as to their impartiality.

22. Provision should be made for a procedure for revising minimum wage rates at appropriate intervals.

23. For effectively protecting the wages of the workers concerned, the measures to be taken to ensure that wages are not paid at less than the minimum rates which have been fixed should include:

- (a) arrangements for giving publicity to the minimum wage rates in force, and in particular for informing the employers and workers concerned of these rates in the manner most appropriate to national circumstances;
- (b) official supervision of the rates actually being paid; and
- (c) penalties for infringements of the rates in force and measures for preventing such infringements.

24. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family.

25. (1) Deductions from wages for the reimbursement of loss of or damage to the products, goods or installations of the employer should be authorised only when loss or damage has been caused for which the worker concerned can be clearly shown to be responsible.

(2) The amount of such deductions should be fair and should not exceed the actual amount of the loss or damage.

(3) Before a decision to make such a deduction is taken, the worker concerned should be given a reasonable opportunity to show cause why the deduction should not be made.

26. Appropriate measures should be taken to limit deductions from wages in respect of tools, materials or equipment supplied by the employer to cases in which such deductions:

- (a) are a recognised custom of the trade or occupation concerned; or
- (b) are provided for by collective agreement or arbitration award; or
- (c) are otherwise authorised by a procedure recognised by national laws or regulations.

IV. Equal remuneration

27. (1) Each Member should, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

(2) This principle may be applied by means of:

- (a) national laws or regulations;
- (b) legally established or recognised machinery for wage determination;
- (c) collective agreements between employers and workers; or
- (d) a combination of these various means.

V. Hours of work and overtime

28. The provisions of this Part apply to workers employed on a time basis.

29. The hours of work of any person employed on a plantation covered by Paragraph 1 above should not exceed eight in the day and 48 in the week, with the exceptions hereinafter provided for:

- (a) the provisions of this Part do not apply to persons holding positions of supervision or management;
- (b) where by law, custom, or agreement between employers' and workers' organisations, or where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement

between such organisations or representatives: Provided, however, that in no case under the provisions of this Paragraph should the daily limit of eight hours be exceeded by more than one hour;

- (c) where persons are employed in shifts it should be permissible to employ persons in excess of eight hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and 48 per week.

30. The limit of hours of work prescribed in Paragraph 29 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking. That limit may also be exceeded in order to prevent the loss of perishable goods or materials subject to rapid deterioration.

31. The limit of hours of work prescribed in Paragraph 29 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours should not exceed 56 in the week on the average. Such regulation of the hours of work should in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

32. (1) Regulations made by public authority should determine for plantations:

- (a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of a plantation, or for seasonal or certain other classes of work which is essentially intermittent;
- (b) the temporary exceptions that may be allowed to deal with exceptional cases of pressure of work.

(2) These regulations should be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations should fix the maximum of additional hours in each instance.

33. The rate of pay for any hours in excess of the hours of work provided for in Paragraph 29 worked in conformity with Paragraphs 30, 31 and 32 should not be less than one and one-quarter times the regular rate.

VI. Welfare facilities

34. Having regard to the variety of welfare facilities and of national practices in making provision for them, the facilities specified in this Part of this Recommendation may be provided by means of public or voluntary action:

- (a) through laws and regulations, or
- (b) in any other manner approved by the competent authority after consultation with employers' and workers' organisations, or
- (c) by virtue of collective agreement or as otherwise agreed upon by the employers and workers concerned.

35. In localities where there are insufficient facilities for purchasing appropriate food, beverages and meals, measures should be taken to provide workers with such facilities.

36. The workers should in no case be compelled, except as required by national laws and regulations for reasons of health, to use any of the feeding facilities provided.

37. (1) Appropriate measures should be taken to encourage the provision of recreation facilities for the workers in or near the undertaking in which they are employed, where suitable facilities organised by special bodies or by community action are not already available and where there is a real need for such facilities as indicated by the representatives of the workers concerned.

(2) Such measures, where appropriate, should be taken by bodies established by national laws or regulations if these have a responsibility in this field, or by voluntary action of the employers or workers concerned after consultation with each other. These measures should preferably be taken in such a way as to stimulate and support action by the public authorities so that the community is able to meet the demand for recreation facilities.

38. Whatever may be the methods adopted for providing recreation facilities, the workers should in no case be under any obligation to participate in the utilisation of any of the facilities provided.

39. The competent authorities of each country should arrange for the consultation of workers' and employers' organisations concerning both the methods of administration and the supervision of the welfare facilities set up by virtue of national laws or regulations.

40. In the economically underdeveloped countries, in the absence of other legal obligations concerning welfare facilities, such facilities may be financed through welfare funds maintained by contributions fixed by the competent authorities and administered by committees with equal representation of employers and workers.

41. (1) Where meals and other food supplies are made available to the workers directly by the employer, their prices should be reasonable and they should be provided without profit to the employer; any possible financial surplus resulting from the sale should be paid into a fund or special account and used, according to circumstances, either to offset losses or to improve the facilities made available to the workers.

(2) Where meals and other food supplies are made available to the workers by a caterer or contractor, their prices should be reasonable and they should be provided without profit to the employer.

(3) Where the facilities in question are provided by virtue of collective agreements or by special agreements within undertakings, the fund provided for in subparagraph (1) should be administered either by a joint body or by the workers.

42. (1) In no case should a worker be required to contribute towards the cost of welfare facilities that he does not wish to use personally.

(2) In cases where workers have to pay for welfare facilities payment by instalment or delay in payment should not be permitted.

43. Where a substantial proportion of the workers experience special difficulties in travelling to and from work owing to the inadequacy of public transport services or unsuitability of transport timetables, the undertakings in which they are employed should endeavour to secure from the organisations providing public transport in the locality concerned the necessary adjustments or improvements in their services.

44. Where adequate and practicable transport facilities for the workers are necessary and cannot be provided in any other way, the undertakings in which they are employed should themselves provide the transport.

VII. Prevention of accidents

45. Members should take appropriate measures for the prevention of accidents and occupational diseases.

VIII. Workmen's compensation

46. In case of incapacity compensation should be paid as from the day of the accident, whether it be payable by the employer, the accident insurance institution or the sickness insurance institution concerned.

47. In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation should be provided.

48. Injured workmen should be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid should be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

49. (1) Injured workmen should be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary: Provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

(2) National laws or regulations should provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

IX. Workmen's compensation for occupational diseases

50. Each Member should provide that compensation shall be payable to workmen incapacitated by occupational diseases, or in the case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

51. The rates of such compensation should not be less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national laws or regulations the conditions under which compensation for the said diseases should be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

52. Each Member should consider as occupational diseases those diseases and poisonings set forth in a Schedule to be established by the Member in consultation with the most representative organisations of employers and workers.

X. Social security

53. Each Member should extend its laws and regulations establishing systems of insurance or other appropriate systems providing security in case of sickness, maternity, invalidity, old age and similar social risks to plantation workers on conditions equivalent to those prevailing in the case of workers in industrial and commercial occupations.

XI. Labour inspection

54. Inspectors provided with credentials should be empowered by law:

- (a) to visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any place which they may have reasonable cause to believe to be an establishment, or part thereof, subject to their supervision: Provided that, before leaving, inspectors should, if possible, notify the employer or some representative of the employer of their visit;
- (b) to question, without witnesses, the staff belonging to the establishment, and, for the purpose of carrying out their duties, to apply for information to any other persons whose evidence they may consider necessary, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

Tenants and Share-croppers Recommendation, 1968 (No. 132)

Status	Adoption
Up-to-date instrument	Geneva, ILC 52nd Session (25 June 1968)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-second Session on 5 June 1968, and

Having decided upon the adoption of certain proposals with regard to improvement of conditions of life and work of tenants, share-croppers and similar categories of agricultural workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, and

Considering that these proposals constitute only one aspect of the problem of agrarian reform, and must be placed in that wider framework, and

Noting that the United Nations and the specialised agencies, in particular the International Labour Organisation and the Food and Agriculture Organisation of the United Nations, have

been called upon in resolutions of the Economic and Social Council of the United Nations to devote greater attention to all aspects of land reform, and

Noting further that, for the success of action relating to the very varied aspects of agrarian reform, it is essential that close co-operation be maintained in their respective fields between the United Nations and the specialised agencies, and especially the Food and Agriculture Organisation of the United Nations, whose major role regarding land reform has been recognised by the Economic and Social Council of the United Nations, and

Noting that the following standards have accordingly been framed in co-operation with the United Nations and the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication and to ensuring appropriate co-ordination, there will be continuing co-operation in promoting and securing the application of the standards, and

Noting in particular that any reports submitted by Members in pursuance of article 19 of the Constitutions of the International Labour Organisation would be made available to the United Nations and the Food and Agriculture Organisation of the United Nations to enable them to take account of such reports in their own work regarding land reform and for any reports on progress of land reform requested by the Economic and Social Council of the United Nations, adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-eight, the following Recommendation, which may be cited as the Tenants and Share-croppers Recommendation, 1968:

I. Scope

1. (1) This Recommendation applies to agricultural workers:

- (a) who pay a fixed rent in cash, in kind, in labour, or in a combination of these,
- (b) who pay rent in kind consisting of an agreed share of the produce,
- (c) who are remunerated by a share of the produce, in so far as they are not covered by laws or regulations applicable to wage earners, when they work the land themselves or with the help of their family, or when they engage outside help within limits prescribed by national laws or regulations.

(2) These workers are hereinafter referred to as tenants, share-croppers and similar categories of agricultural workers.

2. This Recommendation does not apply to employment relationships in which work is remunerated by a fixed wage.

3. The provisions of this Recommendation which refer to *landowners* apply to any person with whom a worker covered thereby enters into a tenancy, share-cropping or similar arrangement, whether this person is the owner of the land, a representative of the owner of the land or any other person having the authority to enter into the contracts in question.

II. Objectives

4. It should be an objective of social and economic policy to promote a progressive and continuing increase in the well-being of tenants, share-croppers and similar categories of agricultural workers and to assure them the greatest possible degree of stability and security of work and livelihood, account being taken of the need to follow good farming techniques and to make efficient use of natural and economic resources, and regard being had to the financial capacity of the country concerned.

5. Members should, without prejudice to the essential rights of land-owners, take appropriate measures so that tenants, share-croppers and similar categories of agricultural workers may themselves have the main responsibility for managing their holding; they should give them necessary assistance to that end while ensuring that the resources are used to the greatest advantage and are properly maintained.

6. In conformity with the general principle that agricultural workers of all categories should have access to land, measures should be taken, where appropriate to economic and social development, to facilitate the access of tenants, share-croppers and similar categories of agricultural workers to land.

7. The establishment and development, on a voluntary basis, of organisations representing the interests of tenants, share-croppers and similar categories of agricultural workers and of organisations representing the interests of landowners should be encouraged and every facility provided to that end.

8. It should be recognised that all the measures provided for in this Recommendation with a view to attaining the objectives set out in Paragraphs 4 to 7 would be more effective if they were integrated in a comprehensive national agrarian reform plan.

III. Methods of implementation

9. Where the foregoing objectives of policy, and in particular those set forth in Paragraph 4, cannot be adequately attained on the basis of existing tenancy or labour legislation, such legislation should be amended or special laws or regulations should be adopted, after consultation with the organisations concerned or, where they do not exist, with representatives of those concerned.

10. Steps should be taken and procedures appropriate to national conditions established with a view to:

- (a) ensuring that rent is at a level which:
 - (i) permits a standard of living for the occupant which is compatible with human dignity;
 - (ii) gives each of the parties concerned a just and equitable return;
 - (iii) promotes progressive husbandry;
- (b) determining the minimum share of the produce to which the persons referred to in Paragraph 1, subparagraph (1) (c), are entitled;
- (c) making rent adjustment in certain circumstances such as substantial changes in yield, prices and value of land;
- (d) postponing the payment of rent and, where circumstances so require, reducing it in case of crop failure or other disasters affecting the holding, due to natural causes which the tenant, share-cropper or agricultural worker in a similar category could not foresee or control.

11. Appropriate provision should be made for the protection of tenants, share-croppers and similar categories of agricultural workers against the imposition on them by landowners of the obligation to perform personal services in any form, paid or unpaid, and any attempts at such imposition should be subject to an appropriate penalty determined by the competent authority.

12. There should be appropriate machinery suited to national conditions for:

- (a) the enforcement of laws, regulations, contracts and customary arrangements which promote the well-being, encourage the spirit of initiative and ensure the protection of tenants, share-croppers and similar categories of agricultural workers;
- (b) the speedy settlement, with minimum expense, of disputes between landowners, on the one hand, and tenants, share-croppers and similar categories of agricultural workers, on the other.

13. Organisations representing the interests of tenants, share-croppers and similar categories of agricultural workers and organisations representing the interests of landowners or, where they do not exist, representatives of those concerned should be associated with the working of the procedures and machinery referred to in Paragraphs 10 and 12 and with the consideration of contracts referred to in Paragraph 14, subparagraph (1) (a), and Paragraph 15.

14. (1) Contracts governing the relationship between landowners, on the one hand, and tenants, share-croppers and similar categories of agricultural workers, on the other:

- (a) should preferably be in writing or should conform to a model contract established by the competent authority;
- (b) should be agreed to in a prescribed manner and, in order to ensure that the tenant, share-cropper or agricultural worker in a similar category has fully understood the terms of the contract, under conditions which ensure adequate supervision by the competent authority;
- (c) should be of such duration, with such provision for automatic renewal, as to provide security of tenure and to encourage good agricultural practices.

(2) The requirement by the landowner of any special fees or gifts, or of any other contribution, for the granting or the renewal of the contract should be prohibited and any attempt at such requirement should be subject to an appropriate penalty determined by the competent authority.

15. (1) Every contract should contain all such particulars as may be necessary in conjunction with relevant laws or regulations to define the rights and obligations of the parties.

(2) The particulars to be contained in the contract should in all cases include the following:

- (a) the names of the contracting parties and any other particulars necessary for their identification;
- (b) the description of the holding together with an inventory;
- (c) the rent to be paid for the holding or the remuneration due for the labour of the occupant and the form of payment in either case.

(3) The particulars to be contained in the contract should also include the following, to the extent that they are not sufficiently provided for in national laws or regulations:

- (a) the duration of the contract and the method of calculating this duration;
- (b) provisions concerning the renewal and the termination of the contract and, as appropriate, the assignment of the contract, and subcontracts;
- (c) determination of the types of repairs for which each of the parties concerned would be responsible;
- (d) the respective rights and obligations of the parties concerning the costs of production and the produce of the holding and its disposal;
- (e) the right to compensation for improvements made by the occupant during the currency of the contract, as envisaged in Paragraph 17;
- (f) the right to compensation for disturbance in the case of termination of the contract by the landowner before its expiry, as envisaged in Paragraph 16, subparagraph 4;
- (g) the respective rights and obligations of the parties concerning damage to buildings and equipment;
- (h) procedures for settlement of disputes;
- (i) provision concerning the case of the death of the occupant;
- (j) provision to protect the respective rights of the parties relating to minerals, water and other resources connected with the holding.

(4) Where appropriate, contracts should also contain the following particulars:

- (a) the methods of husbandry to be used to ensure the proper maintenance of the holding and its resources;
- (b) the facilities to be provided by the landowner, such as housing and other amenities;
- (c) the insurance to be carried against agricultural and other risks, and responsibility for the cost of such insurance.

16. (1) The right of the landowner to terminate the contract before its expiry, after giving due notice, should be limited to cases prescribed by laws or regulations, such as bad husbandry on the part of the occupant or resumption of the occupancy of the holding for justifiable purposes determined by the competent authority.

(2) Where a contract is so terminated, tenants, share-croppers and similar categories of agricultural workers should be given sufficient time to gather in their crops or be adequately compensated therefor, at their option.

(3) Tenants, share-croppers and similar categories of agricultural workers should be given notice in writing, sufficiently in advance, in the case of sale by the landowner; where they have satisfactorily cultivated the holding which they occupy for a prescribed number of years, they should have the right of pre-emption over that holding.

(4) Tenants, share-croppers and similar categories of agricultural workers should be entitled to compensation for disturbance in the case of termination of the contract by the landowner before its expiry for reasons other than failure to meet agreed commitments.

17. Tenants, share-croppers and similar categories of agricultural workers should have the right to make such improvements as may be necessary on the holding which they occupy, and should, if they obtain the prior approval of the landowner or of the competent authority to make such improvements, or in cases where these are authorised by law, be entitled to compensation for the unexhausted added value of such improvements on giving up the holding.

18. Where it is customary or necessary for the tenants, share-croppers and similar categories of agricultural workers to live on the holding, landowners should be encouraged to provide them with adequate housing conforming to standards compatible with human dignity with respect to such matters as protection against natural elements, provision of drinking-water, sanitary installations and separate accommodation for animals. The competent authority should take such measures as may be appropriate and practicable to assist the landowners in this responsibility.

19. Where appropriate, and in so far as this is not inherent in the nature of the contractual arrangement, tenants, share-croppers and similar categories of agricultural workers should be authorised to use some land for producing food for themselves and their families.

20. Appropriate steps should be taken within the framework of systems of public registration properly to record the rights of tenants, share-croppers and similar categories of agricultural workers, free of charge, and to maintain relevant entries up to date.

IV. Complementary measures

21. Where appropriate, the competent authorities, in collaboration in so far as possible with the organisations concerned, should encourage, and give instruction in, the organisation by tenants, share-croppers and similar categories of agricultural workers of co-operative institutions, such as production co-operatives, co-operatives for the processing of agricultural produce, credit co-operatives, marketing co-operatives and purchasing co-operatives, and the strengthening of such institutions where they already exist.

22. (1) Measures should be taken in the light of available national resources and conditions prevailing in the country to make adequate low-cost credit in cash and kind available to tenants, share-croppers and similar categories of agricultural workers so as, in particular, to:

- (a) contribute to raising levels of production and consumption;
- (b) promote access to land;
- (c) increase the effectiveness of agrarian reform and of land settlement projects.

(2) So far as practicable, the provision of such credit should be associated with approved and supervised farm development and management schemes.

(3) Special consideration should be given in the light of national conditions to systems of:

- (a) low-cost co-operative credit;
- (b) supervised credit;
- (c) low-cost bank credit;
- (d) interest-free government loans.

(4) Tenants, share-croppers and similar categories of agricultural workers should not be required to obtain the authorisation of landowners to obtain credit to be used for improving their holding.

23. (1) The competent authorities and bodies should take appropriate measures to ensure that general education as well as programmes of agricultural education and vocational training in agriculture are effectively available to tenants, share-croppers and similar categories of agricultural workers and their dependants.

(2) Where such persons are covered by agrarian reform or land settlement projects, special programmes of education and training should be developed to enable them to benefit fully therefrom.

(3) Representatives of agricultural organisations concerned should be associated with the work of governmental bodies responsible for the application of the provisions of this Paragraph.

24. Particular attention should be paid by the competent authorities to integrated programmes for rural employment promotion so as to:

- (a) give tenants, share-croppers and similar categories of agricultural workers, as well as their families, every opportunity of making fuller use of their capacity for work;
- (b) provide permanent non-agricultural employment for those unable to obtain employment in agriculture.

25. The competent authorities should ensure that tenants, share-croppers and similar categories of agricultural workers:

- (a) are covered in so far as practicable by appropriate and adequate social security schemes; and
- (b) benefit from programmes for rural development concerned with matters such as education, public health, housing and social services, including cultural and recreational activities, and, in particular, from the extension of community development programmes to them.

26. (1) Tenants, share-croppers and similar categories of agricultural workers should be protected as far as possible and practicable against risks of loss in income resulting from natural calamities such as drought, floods, hail, fire and animal and plant diseases.

(2) Where appropriate and practicable, the competent authorities, after taking into account the situation in the country, should introduce or encourage insurance schemes to cover these workers against such risks and play a prominent role in financing them.

Nursing Personnel Convention, 1977 (No. 149)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	11 July 1979	Geneva, ILC 63rd Session (21 June 1977)	41

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Recognising the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Recognising that the public sector as an employer of nursing personnel should play an active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilised to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organisation and that there will be continuing co-operation with that Organisation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Nursing Personnel Convention, 1977.

Article 1

1. For the purpose of this Convention, the term *nursing personnel* includes all categories of persons providing nursing care and nursing services.
2. This Convention applies to all nursing personnel, wherever they work.
3. The competent authority may, after consultation with the employers' and workers' organisations concerned, where such organisations exist, establish special rules concerning nursing personnel who give nursing care and services on a voluntary basis; these rules shall not derogate from the provisions of Article 2, paragraph 2 (a), Article 3, Article 4 and Article 7 of this Convention.

Article 2

1. Each Member which ratifies this Convention shall adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme, where such a programme exists, and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.
2. In particular, it shall take the necessary measures to provide nursing personnel with:
 - (a) education and training appropriate to the exercise of their functions; and
 - (b) employment and working conditions, including career prospects and remuneration, which are likely to attract persons to the profession and retain them in it.
3. The policy mentioned in paragraph 1 of this Article shall be formulated in consultation with the employers' and workers' organisations concerned, where such organisations exist.
4. This policy shall be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with the employers' and workers' organisations concerned.

Article 3

1. The basic requirements regarding nursing education and training and the supervision of such education and training shall be laid down by national laws or regulations or by the competent authority or competent professional bodies, empowered by such laws or regulations to do so.
2. Nursing education and training shall be co-ordinated with the education and training of other workers in the field of health.

Article 4

National laws or regulations shall specify the requirements for the practice of nursing and limit that practice to persons who meet these requirements.

Article 5

1. Measures shall be taken to promote the participation of nursing personnel in the planning of nursing services and consultation with such personnel on decisions concerning them, in a manner appropriate to national conditions.

2. The determination of conditions of employment and work shall preferably be made by negotiation between employers' and workers' organisations concerned.

3. The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiations between the parties or, in such a manner as to ensure the confidence of the parties involved, through independent and impartial machinery such as mediation, conciliation and voluntary arbitration.

Article 6

Nursing personnel shall enjoy conditions at least equivalent to those of other workers in the country concerned in the following fields:

- (a) hours of work, including regulation and compensation of overtime, inconvenient hours and shift work;
- (b) weekly rest;
- (c) paid annual holidays;
- (d) educational leave;
- (e) maternity leave;
- (f) sick leave;
- (g) social security.

Article 7

Each Member shall, if necessary, endeavour to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and of the environment in which it is carried out.

Article 8

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, works rules, arbitration awards, court decisions, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

Nursing Personnel Recommendation, 1977 (No. 157)

Status	Adoption
Up-to-date instrument	Geneva, ILC 63rd Session (21 June 1977)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Recognising the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Emphasising the need to expand health services through co-operation between governments and employers' and workers' organisations concerned in order to ensure the provision of nursing services appropriate to the needs of the community, and

Recognising that the public sector as an employer of nursing personnel should play a particularly active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilised to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organisation and that there will be continuing co-operation with that Organisation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven, the following Recommendation, which may be cited as the Nursing Personnel Recommendation, 1977:

I. Scope

1. For the purpose of this Recommendation, the term *nursing personnel* includes all categories of persons providing nursing care and nursing services.
2. This Recommendation applies to all nursing personnel, wherever they work.
3. The competent authority may, after consultation with the employers' and workers' organisations concerned, where such organisations exist, establish special rules concerning nursing personnel who give services on a voluntary basis; these rules should not derogate from the provisions of Parts II, III, IV and IX of this Recommendation.

II. Policy concerning nursing services and nursing personnel

4. (1) Each Member should adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

(2) The said policy should:

- (a) be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with representatives of the latter;
- (b) include the adoption of laws or regulations concerning education and training for and the practice of the nursing profession and the adaptation of such laws or regulations to developments in the qualifications and responsibilities required of nursing personnel to meet all calls for nursing services;
- (c) include measures:
 - (i) to facilitate the effective utilisation of nursing personnel in the country as a whole; and
 - (ii) to promote the fullest use of the qualifications of nursing personnel in the various establishments, areas and sectors employing them; and
- (d) be formulated in consultation with the employers' and workers' organisations concerned.

5. (1) Measures should be taken, in consultation with the employers' and workers' organisations concerned, to establish a rational nursing personnel structure by classifying nursing personnel in a limited number of categories determined by reference to education and training, level of functions and authorisation to practise.

(2) Such a structure may include the following categories, in accordance with national practice:

- (a) professional nurses, having the education and training recognised as necessary for assuming highly complex and responsible functions, and authorised to perform them;
- (b) auxiliary nurses, having at least the education and training recognised as necessary for assuming less complex functions, under the supervision of a professional nurse as appropriate, and authorised to perform them;
- (c) nursing aides, having prior education and/or on-the-job training enabling them to perform specified tasks under the supervision of a professional or auxiliary nurse.

6. (1) The functions of nursing personnel should be classified according to the level of judgement required, the authority to take decisions, the complexity of the relationship with other functions, the level of technical skill required, and the level of responsibility for the nursing services provided.

(2) The resulting classification should be used to ensure greater uniformity of employment structure in the various establishments, areas and sectors employing nursing personnel.

(3) Nursing personnel of a given category should not be used as substitutes for nursing personnel of a higher category except in case of special emergency, on a provisional basis, and on condition that they have adequate training or experience and are given appropriate compensation.

III. Education and training

7. (1) Measures should be taken to provide the necessary information and guidance on the nursing profession to persons wishing to take up nursing as a career.

(2) Where appropriate, basic nursing education should be conducted in educational institutions within the framework of the general education system of the country at a level similar to that of comparable professional groups.

(3) Laws or regulations should prescribe the basic requirements regarding nursing education and training and provide for the supervision of such education and training, or should empower the competent authority or competent professional bodies to do so.

(4) Nursing education and training should be organised by reference to recognised community needs, taking account of resources available in the country, and should be co-ordinated with the education and training of other workers in the field of health.

8. (1) Nursing education and training should include both theory and practice in conformity with a programme officially recognised by the competent authorities.

(2) Practical training should be given in approved preventive, curative and rehabilitation services, under the supervision of qualified nurses.

9. (1) The duration of basic nursing education and training should be related to the minimum educational requirements for entry to training and to the purposes of training.

(2) There should be two levels of approved basic education and training:

- (a) an advanced level, designed to train professional nurses having sufficiently wide and thorough skills to enable them to provide the most complex nursing care and to organise and evaluate nursing care, in hospitals and other health-related community services; as far as possible, students accepted for education and training at this level should have the background of general education required for entry to university;
- (b) a less advanced level, designed to train auxiliary nurses able to provide general nursing care which is less complex but which requires technical skills and aptitude for personal relations; students accepted for education and training at this level should have attained as advanced a level as possible of secondary education.

10. There should be programmes of higher nursing education to prepare nursing personnel for the highest responsibilities in direct and supportive nursing care, in the administration of nursing services, in nursing education and in research and development in the field of nursing.

11. Nursing aides should be given theoretical and practical training appropriate to their functions.

12. (1) Continuing education and training both at the workplace and outside should be an integral part of the programme referred to in Paragraph 8, subparagraph 1, of this Recommendation and be available to all so as to ensure the updating and upgrading of knowledge and skills and to enable nursing personnel to acquire and apply new ideas and techniques in the field of nursing and related sciences.

(2) Continuing nursing education and training should include provision for programmes which would promote and facilitate the advancement of nursing aides and auxiliary nurses.

(3) Such education and training should also include provision for programmes which would facilitate re-entry into nursing after a period of interruption.

IV. Practice of the nursing profession

13. The laws or regulations concerning the practice of the nursing profession should:

- (a) specify the requirements for the practice of the nursing profession as professional nurse or as auxiliary nurse and, where the possession of certificates attesting the attainment of the required level of education and training does not automatically imply the right to practise the profession, empower a body including representatives of nursing personnel to grant licenses;
- (b) limit the practice of the profession to duly authorised persons;
- (c) be reviewed and updated, as necessary, in accordance with current advances and practices in the profession.

14. The standards concerning nursing practice should be co-ordinated with those concerning the practice of other health professions.

15. (1) Nursing personnel should not be assigned to work which goes beyond their qualifications and competence.

(2) Where individuals are not qualified for work on which they are already employed, they should be trained as quickly as possible to obtain the necessary qualifications, and their preparation for these qualifications should be facilitated.

16. Consideration should be given to the measures which may be called for by the problem of civil liability of nursing personnel arising from the exercise of their functions.

17. Any disciplinary rules applicable to nursing personnel should be determined with the participation of representatives of nursing personnel and should guarantee such personnel a fair judgement and adequate appeal procedures, including the right to be represented by persons of their choice at all levels of the proceedings, in a manner appropriate to national conditions.

18. Nursing personnel should be able to claim exemption from performing specific duties, without being penalised, where performance would conflict with their religious, moral or ethical convictions and where they inform their supervisor in good time of their objection so as to allow the necessary alternative arrangements to be made to ensure that essential nursing care of patients is not affected.

V. Participation

19. (1) Measures should be taken to promote the participation of nursing personnel in the planning and in decisions concerning national health policy in general and concerning their profession in particular at all levels, in a manner appropriate to national conditions.

(2) In particular:

- (a) qualified representatives of nursing personnel, or of organisations representing them, should be associated with the elaboration and application of policies and general principles regarding the nursing profession, including those regarding education and training and the practice of the profession;
- (b) conditions of employment and work should be determined by negotiation between the employers' and workers' organisations concerned;

- (c) the settlement of disputes arising in connection with the determination of terms and conditions of employment should be sought through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and voluntary arbitration, with a view to making it unnecessary for the organisations representing nursing personnel to have recourse to such other steps as are normally open to organisations of other workers in defence of their legitimate interests;
 - (d) in the employing establishment, nursing personnel or their representatives in the meaning of Article 3 of the Workers' Representatives Convention, 1971, should be associated with decisions relating to their professional life, in a manner appropriate to the questions at issue.
20. Representatives of nursing personnel should be assured the protection provided for in the Workers' Representatives Convention and Recommendation, 1971.

VI. Career development

21. (1) Measures should be taken to offer nursing personnel reasonable career prospects by providing for a sufficiently varied and open range of possibilities of professional advancement, leadership positions in direct and supportive nursing care, the administration of nursing services, nursing education, and research and development in the field of nursing, and a grading and a remuneration structure recognising the acceptance of functions involving increased responsibility, and requiring greater technical skill and professional judgement.
- (2) These measures should also give recognition to the importance of functions involving direct relations with patients and the public.
22. Measures should be taken to give nursing personnel advice and guidance on career prospects and, as appropriate, on re-entry into nursing after a period of interruption.
23. In determining the level at which nursing personnel re-entering the profession after an interruption of its practice should be employed, account should be taken of previous nursing experience and the duration of the interruption.
24. (1) Nursing personnel wishing to participate in programmes of continuing education and training and capable of doing so should be given the necessary facilities.
- (2) These facilities might consist in the grant of paid or unpaid educational leave, adaptation of hours of work, and payment of study or training costs; wherever possible, nursing personnel should be granted paid educational leave in accordance with the Paid Educational Leave Convention, 1974.
- (3) Employers should provide staff and facilities for in-service training of nursing personnel, preferably at the workplace.

VII. Remuneration

25. (1) The remuneration of nursing personnel should be fixed at levels which are commensurate with their socio-economic needs, qualifications, responsibilities, duties and experience, which take account of the constraints and hazards inherent in the profession, and which are likely to attract persons to the profession and retain them in it.
- (2) Levels of remuneration should bear comparison with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities.
- (3) Levels of remuneration for nursing personnel having similar or equivalent duties and working in similar or equivalent conditions should be comparable, whatever the establishments, areas or sectors in which they work.
- (4) Remuneration should be adjusted from time to time to take into account variations in the cost of living and rises in the national standard of living. (5) The remuneration of nursing personnel should preferably be fixed by collective agreement.
26. Scales of remuneration should take account of the classification of functions and responsibilities recommended in Paragraphs 5 and 6 and of the principles of career policy set out in Paragraph 21 of this Recommendation.
27. Nursing personnel who work in particularly arduous or unpleasant conditions should receive financial compensation for this.

28. (1) Remuneration should be payable entirely in money.

(2) Deductions from wages should be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

(3) Nursing personnel should be free to decide whether or not to use the services provided by the employer.

29. Work clothing, medical kits, transport facilities and other supplies required by the employer or necessary for the performance of the work should be provided by the employer to nursing personnel and maintained free of charge.

VIII. Working time and rest periods

30. For the purpose of this Recommendation:

- (a) the term *normal hours of work* means the number of hours fixed in each country by or in pursuance of laws or regulations, collective agreements or arbitration awards;
- (b) the term *overtime* means hours worked in excess of normal hours of work;
- (c) the term *on-call duty* means periods of time during which nursing personnel are, at the workplace or elsewhere, at the disposal of the employer in order to respond to possible calls;
- (d) the term *inconvenient hours* means hours worked on other than the normal working days and at other than the normal working time of the country.

31. The time during which personnel are at the disposal of the employer – such as the time needed to organise their work and the time needed to receive and to transmit instructions – should be counted as working time for nursing personnel, subject to possible special provisions concerning on-call duty.

32. (1) The normal weekly hours of nursing personnel should not be higher than those set in the country concerned for workers in general.

(2) Where the normal working week of workers in general exceeds 40 hours, steps should be taken to bring it down, progressively, but as rapidly as possible, to that level for nursing personnel, without any reduction in salary, in accordance with Paragraph 9 of the Reduction of Hours of Work Recommendation, 1962.

33. (1) Normal daily hours of work should be continuous and not exceed eight hours, except where arrangements are made by laws or regulations, collective agreements, works rules or arbitration awards for flexible hours or a compressed week; in any case, the normal working week should remain within the limits referred to in Paragraph 32, subparagraph (1), of this Recommendation.

(2) The working day, including overtime, should not exceed 12 hours.

(3) Temporary exceptions to the provisions of this Paragraph should be authorised only in case of special emergency.

34. (1) There should be meal breaks of reasonable duration.

(2) There should be rest breaks of reasonable duration included in the normal hours of work.

35. Nursing personnel should have sufficient notice of working schedules to enable them to organise their personal and family life accordingly. Exceptions to these schedules should be authorised only in case of special emergency.

36. (1) Where nursing personnel are entitled to less than 48 hours of continuous weekly rest, steps should be taken to bring their weekly rest to that level.

(2) The weekly rest of nursing personnel should in no case be less than 36 uninterrupted hours.

37. (1) There should be as little recourse to overtime work, work at inconvenient hours and on-call duty as possible.

(2) Overtime and work on public holidays should be compensated in time off and/or remuneration at a higher rate than the normal salary rate.

(3) Work at inconvenient hours other than public holidays should be compensated by an addition to salary.

38. (1) Shift work should be compensated by an increase in remuneration which should not be less than that applicable to shift work in other employment in the country.

(2) Nursing personnel assigned to shift work should have a period of continuous rest of at least 12 hours between shifts.

(3) A single shift of duty divided by a period of unremunerated time (split shift) should be avoided.

39. (1) Nursing personnel should be entitled to, and required to take, a paid annual holiday of at least the same length as other workers in the country.

(2) Where the length of the paid annual holiday is less than four weeks for one year of service, steps should be taken to bring it progressively, but as rapidly as possible, to that level for nursing personnel.

40. Nursing personnel who work in particularly arduous or unpleasant conditions should benefit from a reduction of working hours and/or an increase in rest periods, without any decrease in total remuneration.

41. (1) Nursing personnel absent from work by reason of illness or injury should be entitled, for a period and in a manner determined by laws or regulations or by collective agreements, to:

- (a) maintenance of the employment relationship and of rights deriving therefrom;
- (b) income security.

(2) The laws or regulations, or collective agreements, establishing sick leave entitlement should distinguish between:

- (a) cases in which the illness or injury is service-incurred;
- (b) cases in which the person concerned is not incapacitated for work but absence from work is necessary to protect the health of others;
- (c) cases of illness or injury unrelated to work.

42. (1) Nursing personnel, without distinction between married and unmarried persons, should be assured the benefits and protection provided for in the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952.

(2) Maternity leave should not be considered to be sick leave.

(3) The measures provided for in the Employment (Women with Family Responsibilities) Recommendation, 1965, should be applied in respect of nursing personnel.

43. In accordance with Paragraph 19 of this Recommendation, decisions concerning the organisation of work, working time and rest periods should be taken in agreement or in consultation with freely chosen representatives of the nursing personnel or with organisations representing them. They should bear, in particular, on:

- (a) the hours to be regarded as inconvenient hours;
- (b) the conditions in which on-call duty will be counted as working time;
- (c) the conditions in which the exceptions provided for in Paragraph 33, subparagraph (3), and in Paragraph 35 of this Recommendation will be authorised;
- (d) the length of the breaks provided for in Paragraph 34 of this Recommendation and the manner in which they are to be taken;
- (e) the form and amount of the compensation provided for in Paragraphs 37 and 38 of this Recommendation;
- (f) working schedules;
- (g) the conditions to be considered as particularly arduous or unpleasant for the purpose of Paragraphs 27 and 40 of this Recommendation.

IX. Occupational health protection

44. Each Member should endeavour to adapt laws and regulations on occupational health and safety to the special nature of nursing work and of the environment in which it is carried out, and to increase the protection afforded by them.

45. (1) Nursing personnel should have access to occupational health services operating in accordance with the provisions of the Occupational Health Services Recommendation, 1959.

(2) Where occupational health services have not yet been set up for all undertakings, medical care establishments employing nursing personnel should be among the undertakings for which, in accordance with Paragraph 4 of that Recommendation, such services should be set up in the first instance.

46. (1) Each Member and the employers' and workers' organisations concerned should pay particular attention to the provisions of the Protection of Workers' Health Recommendation, 1953, and endeavour to ensure its application to nursing personnel.

(2) All appropriate measures should be taken in accordance with Paragraphs 1 to 7 of that Recommendation to prevent, reduce or eliminate risks to the health or safety of nursing personnel.

47. (1) Nursing personnel should undergo medical examinations on taking up and terminating an appointment, and at regular intervals during their service.

(2) Nursing personnel regularly assigned to work in circumstances such that a definite risk to their health or to that of others around them exists or may be suspected should undergo regular medical examinations at intervals appropriate to the risk involved.

(3) Objectivity and confidentiality should be assured in examinations provided for in this Paragraph; the examinations referred to should not be carried out by doctors with whom the persons examined have a close working relationship.

48. (1) Studies should be undertaken – and kept up to date – to determine special risks to which nursing personnel may be exposed in the exercise of their profession so that these risks may be prevented and, as appropriate, compensated.

(2) For that purpose, cases of occupational accidents and cases of diseases recognised as occupational under laws or regulations concerning employment injury benefits, or liable to be occupational in origin, should be notified to the competent authority, in a manner to be prescribed by national laws or regulations, in accordance with Paragraphs 14 to 17 of the Protection of Workers' health Recommendation, 1953.

49. (1) All possible steps should be taken to ensure that nursing personnel are not exposed to special risks. Where exposure to special risks is unavoidable, measures should be taken to minimise it.

(2) Measures such as the provision and use of protective clothing, immunisation, shorter hours, more frequent rest breaks, temporary removal from the risk or longer annual holidays should be provided for in respect to nursing personnel regularly assigned to duties involving special risks so as to reduce their exposure to these risks.

(3) In addition, nursing personnel who are exposed to special risks should receive financial compensation.

50. Pregnant women and parents of young children whose normal assignment could be prejudicial to their health or that of their child should be transferred, without loss of entitlements, to work appropriate to their situation.

51. The collaboration of nursing personnel and of organisations representing them should be sought in ensuring the effective application of provisions concerning the protection of the health and safety of nursing personnel.

52. Appropriate measures should be taken for the supervision of the application of the laws and regulations and other provisions concerning the protection of the health and safety of nursing personnel.

X. Social security

53. (1) Nursing personnel should enjoy social security protection at least equivalent, as the case may be, to that of other persons employed in the public service or sector, employed in the private sector, or self-employed, in the country concerned; this protection should cover periods of probation and periods of training of persons regularly employed as nursing personnel.

(2) The social security protection of nursing personnel should take account of the particular nature of their activity.

54. As far as possible, appropriate arrangements should be made to ensure continuity in the acquisition of rights and the provision of benefits in case of change of employment and temporary cessation of employment.

55. (1) Where the social security scheme gives protected persons the free choice of doctor and medical institution, nursing personnel should enjoy the same freedom of choice.

(2) The medical records of nursing personnel should be confidential.

56. National laws or regulations should make possible the compensation, as an occupational disease, of any illness contracted by nursing personnel as a result of their work.

XI. Special employment arrangements

57. With a view to making the most effective use of available nursing personnel and to preventing the withdrawal of qualified persons from the profession, measures should be taken to make possible temporary and part-time employment.

58. The conditions of employment of temporary and part-time nursing personnel should be equivalent to those of permanent and full-time staff respectively, their entitlements being, as appropriate, calculated on a pro rata basis.

XII. Nursing students

59. Nursing students should enjoy the rights and freedoms of students in other disciplines, subject only to limitations which are essential for their education and training.

60. (1) Practical work of nursing students should be organised and carried out by reference to their training needs; it should in no case be used as a means of meeting normal staffing requirements.

(2) During their practical work, nursing students should only be assigned tasks which correspond to their level of preparation.

(3) Throughout their education and training, nursing students should have the same health protection as nursing personnel.

(4) Nursing students should have appropriate legal protection.

61. During their education and training, nursing students should receive precise and detailed information on the employment, working conditions and career prospects of nursing personnel, and on the means available to them to further their economic, social and professional interests.

XIII. International co-operation

62. In order to promote exchanges of personnel, ideas and knowledge, and thereby improve nursing care, Members should endeavour, in particular by multilateral or bilateral arrangements, to:

- (a) harmonise education and training for the nursing profession without lowering standards;
- (b) lay down the conditions of mutual recognition of qualifications acquired abroad;
- (c) harmonise the requirements for authorisation to practice;
- (d) organise nursing personnel exchange programmes.

63. (1) Nursing personnel should be encouraged to use the possibilities of education and training available in their own country.

(2) Where necessary or desirable, they should have the possibility of education and training abroad, as far as possible by way of organised exchange programmes.

64. (1) Nursing personnel undergoing education or training abroad should be able to obtain appropriate financial aid, on conditions to be determined by multilateral or bilateral agreements or national laws or regulations.

(2) Such aid may be made dependent on an undertaking to return to their country within a reasonable time and to work there for a specified minimum period in a job corresponding to the newly acquired qualifications, on terms at least equal to those applicable to other nationals.

65. Consideration should be given to the possibility of detaching personnel wishing to work or train abroad for a specified period, without break in the employment relationship.

66. (1) Foreign nursing personnel should have qualifications recognised by the competent authority as appropriate for the posts to be filled and satisfy all other conditions for the practice of the profession in the country of employment; foreign personnel participating in organised exchange programmes may be exempted from the latter requirement.

(2) The employer should satisfy himself that foreign nursing personnel have adequate language ability for the posts to be filled.

(3) Foreign nursing personnel with equivalent qualifications should have conditions of employment which are as favourable as those of national personnel in posts involving the same duties and responsibilities.

67. (1) Recruitment of foreign nursing personnel for employment should be authorised only:

- (a) if there is a lack of qualified personnel for the posts to be filled in the country of employment;
- (b) if there is no shortage of nursing personnel with the qualifications sought in the country of origin.

(2) Recruitment of foreign nursing personnel should be undertaken in conformity with the relevant provisions of the Migration for Employment Convention and Recommendation (Revised), 1949.

68. Nursing personnel employed or in training abroad should be given all necessary facilities when they wish to be repatriated.

69. As regards social security, Members should, in accordance with national practice:

- (a) assume to foreign nursing personnel training or working in the country equality of treatment with national personnel;
- (b) participate in bilateral or multilateral arrangements designed to ensure the maintenance of the acquired rights or rights in course of acquisition of migrant nursing personnel, as well as the provision of benefits abroad.

XIV. Methods of application

70. This Recommendation may be applied by national laws or regulations, collective agreements, works rules, arbitration awards or judicial decisions, or in any other manner consistent with national practice which may be appropriate, account being taken of conditions in each country.

71. In applying the provisions of this Recommendation, Members and the employers' and workers' organisations concerned should be guided to the extent possible and desirable by the suggestions concerning its practical application set forth in the Annex.

ANNEX

Suggestions concerning practical application

Policy concerning nursing services and nursing personnel

1. Sufficient budgetary provision should be made to permit the attainment of the objectives of the national policy concerning nursing services and nursing personnel.

2. (1) The programming of nursing services should be a continuing process at all levels of general health programming.

(2) Nursing services should be programmed on the basis of:

- (a) information obtained from studies and research which are of a continuing nature and permit adequate evaluation of the problems arising and of the needs and available resources;
- (b) technical standards appropriate to changing needs and national and local conditions.

(3) In particular, measures should be taken to:

- (a) establish adequate nursing standards;
- (b) specify the nursing functions called for by the recognised needs;
- (c) determine the staffing standards for the adequate composition of nursing teams as regards the number of persons and qualifications required at the various levels and in the various categories;
- (d) determine on that basis the categories, number and level of personnel required for the development of nursing services as a whole and for the effective utilisation of personnel;
- (e) determine, in consultation with the representatives of those concerned, the relationship between nursing personnel and other categories of health personnel.

3. The policy concerning nursing services and nursing personnel should aim at developing four types of functions of nursing personnel: direct and supportive nursing care; the administration of nursing services; nursing education; and research and development in the field of nursing.

4. Appropriate technical and material resources should be provided for the proper exercise of the tasks of nursing personnel.

5. The classification of functions recommended in Paragraph 5 of the Recommendation should be based on an analysis of jobs and an evaluation of functions made in consultation with the employers' and workers' organisations concerned.

Education and training

6. Where the educational possibilities of large sections of the population are limited, measures should be taken within the programmes of nursing education and training to supplement the general education of students who have not attained the level required in accordance with Paragraph 9 of the Recommendation.

7. Programmes of nursing education and training should provide a basis for access to education and training for higher responsibilities, create a desire for self-improvement, and prepare students to apply their knowledge and skills as members of the health team.

Practice of the nursing profession

8. (1) In conditions to be determined, the renewal of an authorisation to practice the nursing profession may be required.

(2) Such renewal might be made subject to requirements of continuing education and training, where this is considered necessary to ensure that authorised nursing personnel remain fully qualified.

9. Re-entry into the profession after an interruption of its practice may be made subject, in specified circumstances, to verification of qualifications; in such case, consideration should be given to facilitating re-entry by such methods as employment alongside another person for a specified period before verification takes place.

10. (1) Any disciplinary rules applicable to nursing personnel should include:

- (a) a definition of breach of professional conduct taking account of the nature of the profession and of such standards of professional ethics as may be applicable thereto;
- (b) an indication of the sanctions applicable, which should be proportional to the gravity of the fault.

(2) Any disciplinary rules applicable to nursing personnel should be laid down in the framework of rules applicable to health personnel as a whole or, where there are no such rules, should take due account of rules applicable to other categories of health personnel.

Career development

11. Where the possibilities of professional advancement are limited as a result of the manner in which nursing services in general are conceived, measures might be taken to facilitate access to studies leading to qualifications for other health professions.

12. (1) Measures should be taken to establish systems of classification and of scales of remuneration which provide possibilities of professional advancement on the basis of the classification of the level of functions envisaged in Paragraph 6 of the Recommendation.

(2) These systems should be sufficiently open to provide an incentive for nursing personnel to pass from one level to another.

(3) The promotion of nursing personnel should be based on equitable criteria and take account of experience and demonstrated ability.

13. Increases in remuneration should be provided for, at every level, by reference to the development of experience and ability.

14. (1) Measures should be taken to encourage nursing personnel to make the greatest possible use of their knowledge and their qualifications in their work.

(2) The responsibilities effectively assumed by nursing personnel and the competence shown by them should be continuously reviewed so as to ensure remuneration and possibilities of advancement or promotion corresponding thereto.

15. (1) Periods of paid educational leave should be considered to be periods of work for the purpose of entitlement to social benefits and other rights deriving from the employment relationship.

(2) As far as possible, periods of unpaid educational leave for the purpose of additional education and training should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

Remuneration

16. Pending the attainment of levels of remuneration comparable with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities, measures should be taken, where necessary, to bring remuneration as rapidly as possible to a level which is likely to attract nursing personnel to the profession and retain them in it.

17. (1) Additions to salary and compensatory payments which are granted on a regular basis should, to an extent commensurate with general practice in the professions referred to in Paragraph 16 of this Annex, be regarded as an integral part of remuneration for the calculation of holiday pay, pensions and other social benefits.

(2) Their amount should be periodically reviewed in the light of changes in the cost of living.

Working time and rest periods

18. (1) In the organisation of hours of work, every effort should be made, subject to the requirements of the service, to allocate shift work, overtime work and work at inconvenient hours equitably between nursing personnel, and in particular between permanent and temporary and between full-time and part-time personnel, and to take account as far as possible of individual preferences and of special considerations regarding such matters as climate, transportation and family responsibilities.

(2) The organisation of hours of work for nursing personnel should be based on the need for nursing services rather than subordinated to the work pattern of other health service personnel.

19. (1) Appropriate measures to limit the need for overtime, for work at inconvenient hours and for on-call duty should be taken in the organisation of work, in determining the number and use of staff and in scheduling hours of work; in particular, account should be taken of the need for replacing nursing personnel during absences or leave authorised by laws or regulations or collective agreements, so that the personnel who are present will not be overburdened.

(2) Overtime should be worked on a voluntary basis, except where it is essential for patient care and sufficient volunteers are not available.

20. The notice of working schedules provided for in Paragraph 35 of the Recommendation should be given at least two weeks in advance.

21. Any period of on-call duty during which nursing personnel are required to remain at the workplace or the services of nursing personnel are actually used should be fully regarded as working time and remunerated as such.

22. (1) Nursing personnel should be free to take their meals in places of their choice.

(2) They should be able to take their rest breaks at a place other than their workplace.

23. The time at which the annual holiday is to be taken should be determined on an equitable basis, due account being taken of family obligations, individual preferences and the requirements of the service.

Occupational health protection

24. Nursing personnel in respect of whom special measures such as those envisaged in Paragraphs 47, subparagraph (2), 49 and 50 of the Recommendation should be taken should include, in particular, personnel regularly exposed to ionising radiations or to anaesthetic substances and personnel in contact with infectious diseases or mental illness.

25. Nursing personnel regularly exposed to ionising radiations should, in addition, enjoy the protection of the measures provided for in the Radiation Protection Convention and Recommendation, 1960.

26. Work to which pregnant women or mothers of young children should not be assigned should include:

- (a) as regards women covered by Paragraph 5 of the Maternity Protection Recommendation, 1952, the types of work enumerated therein;
- (b) generally, work involving exposure to ionising radiations or anaesthetic substances or involving contact with infectious diseases.

Social security

27. In order to ensure continuity in the acquisition of rights and the provision of benefits, as provided in Paragraph 54 of the Recommendation, steps should be taken to co-ordinate such private supplementary schemes as exist with each other and with statutory schemes.

28. In order to ensure that nursing personnel receive the compensation for illnesses contracted as a result of their work, as provided for in Paragraph 56 of the Recommendation, Members should, by laws or regulations:

- (a) prescribe a list establishing a presumption of occupational origin in respect of certain diseases when they are contracted by nursing personnel, and revise the list periodically in the light of scientific and technical developments affecting nursing personnel;
- (b) complement that list by a general definition of occupational diseases or by other provision enabling nursing personnel to establish the occupational origin of diseases not presumed to be occupational by virtue of the list.

International co-operation

29. The financial aid given to nursing personnel undergoing education or training abroad might include, as appropriate:

- (a) payment of travel expenses;
- (b) payment of study costs;
- (c) scholarships;
- (d) continuation of full or partial remuneration, in the case of nursing personnel already employed.

30. As far as possible, periods of leave or detachment for training or work abroad should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

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

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	7 July 1994	Geneva, ILC 78th Session (25 June 1991)	15

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 78th Session on 5 June 1991, and

Recalling that international labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to workers in hotels, restaurants and similar establishments, and

Noting that the particular conditions characterising work in hotels, restaurants and similar establishments make it desirable to improve the application of these Conventions and Recommendations in these categories of establishments and to supplement them by specific standards designed to enable the workers concerned to enjoy a status

corresponding to their role in these rapidly expanding categories of establishments and to attract new workers to them, by improving working conditions, training and career prospects, and

Noting that collective bargaining is an effective means of determining conditions of work in this sector, and

Considering that the adoption of a Convention together with collective bargaining will enhance working conditions, career prospects and job security, to the benefit of the workers, and

Having decided upon the adoption of certain proposals with regard to working conditions in hotels, restaurants and similar establishments, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-fifth day of June of the year one thousand nine hundred and ninety-one the following Convention, which may be cited as the Working Conditions (Hotels and Restaurants) Convention, 1991:

Article 1

1. Subject to the provisions of Article 2, paragraph 1, this Convention applies to workers employed within:

- (a) hotels and similar establishments providing lodging;
- (b) restaurants and similar establishments providing food, beverages or both.

2. The definition of the categories referred to in subparagraphs (a) and (b) above shall be determined by each Member in the light of national conditions and after consulting the employers' and workers' organisations concerned. Each Member which ratifies the Convention may, after consulting the employers' and workers' organisations concerned, exclude from its application certain types of establishments which fall within the definition mentioned above, but where nevertheless special problems of a substantial nature arise.

3.

- (a) Each Member which ratifies this Convention may, after consulting the employers' and workers' organisations concerned, extend its application to other related establishments providing tourism services which shall be specified in a declaration appended to its ratification.
- (b) Each Member which has ratified this Convention may, after consulting the employers' and workers' organisations concerned, further subsequently notify the Director-General of the International Labour Office, by a declaration, that it extends the application of the Convention to further categories of related establishments providing tourism services.

4. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any type of establishment which may have been excluded in pursuance of paragraph 2 above, giving the reasons for such exclusion, stating the respective positions of the employers' and workers' organisations concerned with regard to such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the establishments excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such establishments.

Article 2

1. For the purpose of this Convention, the term *the workers concerned* means workers employed within establishments to which the Convention applies pursuant to the provisions of

Article 1, irrespective of the nature and duration of their employment relationship. However, each Member may, in the light of national law, conditions and practice and after consulting the employers' and workers' organisations concerned, exclude certain particular categories of workers from the application of all or some of the provisions of this Convention.

2. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, any categories of workers which may have been excluded in pursuance of paragraph 1 above, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

Article 3

1. Each Member shall, with due respect to the autonomy of the employers' and workers' organisations concerned, adopt and apply, in a manner appropriate to national law, conditions and practice, a policy designed to improve the working conditions of the workers concerned.

2. The general objective of such a policy shall be to ensure that the workers concerned are not excluded from the scope of any minimum standards adopted at the national level for workers in general, including those relating to social security entitlements.

Article 4

1. Unless otherwise determined by national law or practice, the term **hours of work** means the time during which a worker is at the disposal of the employer.

2. The workers concerned shall be entitled to reasonable normal hours of work and overtime provisions in accordance with national law and practice.

3. The workers concerned shall be provided with reasonable minimum daily and weekly rest periods, in accordance with national law and practice.

4. The workers concerned shall, where possible, have sufficient advance notice of working schedules to enable them to organise their personal and family life accordingly.

Article 5

1. If workers are required to work on public holidays, they shall be appropriately compensated in time or remuneration, as determined by collective bargaining or in accordance with national law or practice.

2. The workers concerned shall be entitled to annual leave with pay of a length to be determined by collective bargaining or in accordance with national law or practice.

3. In cases where their contract expires or their period of continuous service is not of sufficient duration to qualify them for full annual leave, the workers concerned shall be entitled to paid leave proportionate to the length of service or payment of wages in lieu, as determined by collective bargaining or in accordance with national law or practice.

Article 6

1. The term **tip** means an amount of money given voluntarily to the worker by a customer, in addition to the amount which the customer has to pay for the services received.

2. Regardless of tips, the workers concerned shall receive a basic remuneration that is paid at regular intervals.

Article 7

Where such a practice exists, the sale and purchase of employment in establishments referred to in Article 1 shall be prohibited.

Article 8

1. The provisions of this Convention may be applied by or through national laws or regulations, collective agreements, arbitration awards or judicial decisions, or in any other appropriate manner consistent with national practice.

2. For the Members where the provisions of this Convention are matters normally left to agreements between employers or employers' organisations and workers' organisations, or are normally carried out otherwise than by law, compliance with those provisions shall be treated as effective if they are applied through such agreements or other means to the great majority of the workers concerned.

Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179)

Status	Adoption
Up-to-date instrument	Geneva, ILC 78th Session (25 June 1991)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 78th Session on 5 June 1991, and

Having decided upon the adoption of certain proposals with regard to working conditions in hotels, restaurants and similar establishments, which is the fourth item on the agenda of the session, and

Having determined, following adoption of the Working Conditions (Hotels and Restaurants) Convention, 1991, that these proposals shall take the form of a supplementary Recommendation;

adopts this twenty-fifth day of June of the year one thousand nine hundred and ninety-one the following Recommendation, which may be cited as the Working Conditions (Hotels and Restaurants) Recommendation, 1991:

I. General provisions

1. This Recommendation applies to workers, as defined in paragraph 3, employed within:

- (a) hotels and similar establishments providing lodging.
- (b) restaurants and similar establishments providing food, beverages or both.

2. Members may, after consulting the employers' and workers' organisations concerned, extend the application of this Recommendation to other related establishments providing tourism services.

3. For the purpose of this Recommendation the term *the workers concerned* means workers employed within establishments to which this Recommendation applies pursuant to the provisions of paragraphs 1 and 2, irrespective of the nature and duration of their employment relationship.

4. (1) This Recommendation may be applied by or through national laws or regulations, collective agreements, arbitration awards or judicial decisions, or in any other appropriate manner consistent with national practice.

(2) Members should:

- (a) provide for the effective supervision of the application of measures taken in pursuance of this Recommendation through an inspection service or other appropriate means;
- (b) encourage the employers' and workers' organisations concerned to play an active part in promoting the application of the provisions of this Recommendation.

5. The general objective of this Recommendation is, with due respect to the autonomy of the employers' and workers' organisations concerned, to improve the working conditions of the workers concerned in order to bring them closer to those prevailing in other sectors of the economy.

II. Hours of work and rest periods

6. Unless otherwise determined by the methods referred to in paragraph 4(1), the term *hours of work* means the time during which a worker is at the disposal of the employer.

7. (1) The implementation of measures fixing normal hours of work and regulating overtime should be the subject of consultations between the employer and the workers concerned or their representatives.

(2) The term *workers' representatives* means persons who are recognised as such by national law or practice, in accordance with the Workers' Representatives Convention, 1971.

(3) Overtime work should be compensated by time off with pay, by a higher rate or rates of remuneration for the overtime worked, or by a higher rate of remuneration, as determined in accordance with national law and practice and after consultations between the employer and the workers concerned or their representatives.

(4) Measures should be taken to ensure that working hours and overtime work are properly calculated and recorded and that each worker has access to his or her record.

8. Wherever practicable, split shifts should be progressively eliminated, preferably through collective bargaining.

9. The number and length of meal breaks should be determined in the light of the customs and traditions of each country or area and according to whether the meal is taken in the establishment itself or elsewhere.

10. (1) The workers concerned should, as far as possible, be entitled to a weekly rest of not less than 36 hours which, wherever practicable, should be an uninterrupted period.

(2) The workers concerned should be entitled to an average daily rest period of 10 consecutive hours.

11. Where the length of paid annual holiday for the workers concerned is less than four weeks for one year of service, steps should be taken, through collective bargaining or other means consistent with national practice, to bring it progressively to that level.

III. Training

12. (1) Each Member should, in consultation with the employers' and workers' organisations concerned, establish or, where appropriate, assist employers' and workers' organisations and other institutions in the establishment of policies and programmes of vocational education and training and of management development for the different occupations in hotels, restaurants and similar establishments.

(2) The principal objective of training programmes should be to improve skills and the quality of job performance and enhance the career prospects of the participants.

Home Work Convention, 1996 (No. 177)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	22 Apr 2000	Geneva, ILC 83rd Session (20 June 1996)	10

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-third Session on 4 June 1996, and

Recalling that many international labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to homeworkers, and

Noting that the particular conditions characterizing home work make it desirable to improve the application of those Conventions and Recommendations to homeworkers, and to supplement them by standards which take into account the special characteristics of home work, and

Having decided upon the adoption of certain proposals with regard to home work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Home Work Convention, 1996:

Article 1

For the purposes of this Convention:

- (a) the term *home work* means work carried out by a person, to be referred to as a homeworker,
 - (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer;
 - (ii) for remuneration;
 - (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
- (b) persons with employee status do not become homeworkers within the meaning of this Convention simply by occasionally performing their work as employees at home, rather than at their usual workplaces;
- (c) the term *employer* means a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity.

Article 2

This Convention applies to all persons carrying out home work within the meaning of Article 1.

Article 3

Each Member which has ratified this Convention shall adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers.

Article 4

1. The national policy on home work shall promote, as far as possible, equality of treatment between homeworkers and other wage earners, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise.

2. Equality of treatment shall be promoted, in particular, in relation to:

- (a) the homeworkers' right to establish or join organizations of their own choosing and to participate in the activities of such organizations;
- (b) protection against discrimination in employment and occupation;
- (c) protection in the field of occupational safety and health;
- (d) remuneration;
- (e) statutory social security protection;
- (f) access to training;
- (g) minimum age for admission to employment or work; and
- (h) maternity protection.

Article 5

The national policy on home work shall be implemented by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice.

Article 6

Appropriate measures shall be taken so that labour statistics include, to the extent possible, home work.

Article 7

National laws and regulations on safety and health at work shall apply to home work, taking account of its special characteristics, and shall establish conditions under which certain types of work and the use of certain substances may be prohibited in home work for reasons of safety and health.

Article 8

Where the use of intermediaries in home work is permitted, the respective responsibilities of employers and intermediaries shall be determined by laws and regulations or by court decisions, in accordance with national practice.

Article 9

1. A system of inspection consistent with national law and practice shall ensure compliance with the laws and regulations applicable to home work.

2. Adequate remedies, including penalties where appropriate, in case of violation of these laws and regulations shall be provided for and effectively applied.

Article 10

This Convention does not affect more favourable provisions applicable to homeworkers under other international labour Conventions.

Home Work Recommendation, 1996 (No. 184)

Status	Adoption
Up-to-date instrument	Geneva, ILC 83rd Session (20 June 1996)

The General Conference of the International Labour Organization,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Eighty-third Session on 4 June 1996, and
 Recalling that many international labour Conventions and Recommendations laying down stand-
 ards of general application concerning working conditions are applicable to homeworkers, and
 Noting that the particular conditions characterizing home work make it desirable to improve the
 application of those Conventions and Recommendations to homeworkers, and to supplement
 them by standards which take into account the special characteristics of home work, and
 Having decided upon the adoption of certain proposals with regard to home work, which is the
 fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Home Work Convention, 1996;

adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the
 following Recommendation, which may be cited as the Home Work Recommendation, 1996:

I. Definitions and scope of application

1. For the purposes of this Recommendation:
 - (a) the term *home work* means work carried out by a person, to be referred to as a homeworker,
 - (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer;
 - (ii) for remuneration;
 - (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used,
 unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
 - (b) persons with employee status do not become homeworkers within the meaning of this Recommendation simply by occasionally performing their work as employees at home, rather than at their usual workplaces;
 - (c) the term *employer* means a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity.
2. This Recommendation applies to all persons carrying out home work within the meaning of Paragraph 1.

II. General provisions

3. (1) Each Member should, according to national law and practice, designate an authority or authorities entrusted with the formulation and implementation of the national policy on home work referred to in Article 3 of the Convention.
 - (2) As far as possible, use should be made of tripartite bodies or organizations of employers and workers in the formulation and implementation of this national policy.
 - (3) In the absence of organizations concerned with homeworkers or organizations of employers of homeworkers, the authority or authorities referred to in subparagraph (1) should make suitable arrangements to permit these workers and employers to express their opinions on this national policy and on the measures adopted to implement it.
4. Detailed information, including data classified according to sex, on the extent and characteristics of home work should be compiled and kept up to date to serve as a basis for the national policy

on home work and for the measures adopted to implement it. This information should be published and made publicly available.

5. (1) A homeworker should be kept informed of his or her specific conditions of employment in writing or in any other appropriate manner consistent with national law and practice.

(2) This information should include, in particular:

- (a) the name and address of the employer and the intermediary, if any;
- (b) the scale or rate of remuneration and the methods of calculation; and
- (c) the type of work to be performed.

III. Supervision of home work

6. The competent authority at the national level and, where appropriate, at the regional, sectoral or local levels, should provide for registration of employers of homeworkers and of any intermediaries used by such employers. For this purpose, such authority should specify the information employers should submit or keep at the authority's disposal.

7. (1) Employers should be required to notify the competent authority when they give out home work for the first time.

(2) Employers should keep a register of all homeworkers, classified according to sex, to whom they give work.

(3) Employers should also keep a record of work assigned to a homeworker which shows:

- (a) the time allocated;
- (b) the rate of remuneration;
- (c) costs incurred, if any, by the homeworker and the amount reimbursed in respect of them;
- (d) any deductions made in accordance with national laws and regulations; and
- (e) the gross remuneration due and the net remuneration paid, together with the date of payment.

(4) A copy of the record referred to in subparagraph (3) should be provided to the homeworker.

8. In so far as it is compatible with national law and practice concerning respect for privacy, labour inspectors or other officials entrusted with enforcing provisions applicable to home work should be allowed to enter the parts of the home or other private premises in which the work is carried out.

9. In cases of serious or repeated violations of the laws and regulations applicable to home work, appropriate measures should be taken, including the possible prohibition of giving out home work, in accordance with national law and practice.

IV. Minimum age

10. National laws and regulations concerning minimum age for admission to employment or work should apply to home work.

V. The rights to organize and to bargain collectively

11. Legislative or administrative restrictions or other obstacles to:

- (a) the exercise of the right of homeworkers to establish their own organizations or to join the workers' organizations of their choice and to participate in the activities of such organizations; and
- (b) the exercise of the right of organizations of homeworkers to join trade union federations or confederations,

should be identified and eliminated.

12. Measures should be taken to encourage collective bargaining as a means of determining the terms and conditions of work of homeworkers.

VI. Remuneration

13. Minimum rates of wages should be fixed for home work, in accordance with national law and practice.

14. (1) Rates of remuneration of homeworkers should be fixed preferably by collective bargaining, or in its absence, by:

- (a) decisions of the competent authority, after consulting the most representative organizations of employers and of workers as well as organizations concerned with homeworkers and those of employers of homeworkers, or where the latter organizations do not exist, representatives of homeworkers and of employers of homeworkers; or
- (b) other appropriate wage-fixing machinery at the national, sectoral or local levels.

(2) Where rates of remuneration are not fixed by one of the means in subparagraph (1) above, they should be fixed by agreement between the homeworker and the employer.

15. For specified work paid by the piece, the rate of remuneration of a homeworker should be comparable to that received by a worker in the enterprise of the employer, or if there is no such worker, in another enterprise in the branch of activity and region concerned.

16. Homeworkers should receive compensation for:

- (a) costs incurred in connection with their work, such as those relating to the use of energy and water, communications and maintenance of machinery and equipment; and
- (b) time spent in maintaining machinery and equipment, changing tools, sorting, unpacking and packing, and other such operations.

17. (1) National laws and regulations concerning the protection of wages should apply to homeworkers.

(2) National laws and regulations should ensure that pre-established criteria are set for deductions and should protect homeworkers against unjustified deductions for defective work or spoilt materials.

(3) Homeworkers should be paid either on delivery of each completed work assignment or at regular intervals of not more than one month.

18. Where an intermediary is used, the intermediary and the employer should be made jointly and severally liable for payment of the remuneration due to homeworkers, in accordance with national law and practice.

VII. Occupational safety and health

19. The competent authority should ensure the dissemination of guidelines concerning the safety and health regulations and precautions that employers and homeworkers are to observe. Where practicable, these guidelines should be translated into languages understood by homeworkers.

20. Employers should be required to:

- (a) inform homeworkers of any hazards that are known or ought to be known to the employer associated with the work given to them and of the precautions to be taken, and provide them, where appropriate, with the necessary training;
- (b) ensure that machinery, tools or other equipment provided to homeworkers are equipped with appropriate safety devices and take reasonable steps to ensure that they are properly maintained; and
- (c) provide homeworkers free of charge with any necessary personal protective equipment.

21. Homeworkers should be required to:

- (a) comply with prescribed safety and health measures;
- (b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper use of materials, machinery, tools and other equipment placed at their disposal.

22. (1) A homeworker who refuses to carry out work which he or she has reasonable justification to believe presents an imminent and serious danger to his or her safety or health should be protected from undue consequences in a manner consistent with national conditions and practice. The homeworker should report the situation to the employer without delay.

(2) In the event of an imminent and serious danger to the safety or health of a homeworker, his or her family or the public, as determined by a labour inspector or other public safety official, the continuation of home work should be prohibited until appropriate measures have been taken to remedy the situation.

VIII. Hours of work, rest periods and leave

23. A deadline to complete a work assignment should not deprive a homeworker of the possibility to have daily and weekly rest comparable to that enjoyed by other workers.

24. National laws and regulations should establish the conditions under which homeworkers should be entitled to benefit, as other workers, from paid public holidays, annual holidays with pay and paid sick leave.

IX. Social security and maternity protection

25. Homeworkers should benefit from social security protection. This could be done by:

- (a) extending existing social security provisions to homeworkers;
- (b) adapting social security schemes to cover homeworkers; or
- (c) developing special schemes or funds for homeworkers.

26. National laws and regulations in the field of maternity protection should apply to homeworkers.

X. Protection in case of termination of employment

27. Homeworkers should benefit from the same protection as that provided to other workers with respect to termination of employment.

XI. Resolution of disputes

28. The competent authority should ensure that there are mechanisms for the resolution of disputes between a homeworker and an employer or any intermediary used by the employer.

XII. Programmes related to work home

29. (1) Each Member should, in cooperation with organizations of employers and workers, promote and support programmes which:

- (a) inform homeworkers of their rights and the kinds of assistance available to them;
- (b) raise awareness of home-work-related issues among employers' and workers' organizations, non-governmental organizations and the public at large;
- (c) facilitate the organization of homeworkers in organizations of their own choosing, including cooperatives;
- (d) provide training to improve homeworkers' skills (including non-traditional skills, leadership and negotiating skills), productivity, employment opportunities and income-earning capacity;
- (e) provide training which is carried out as close as practicable to the workers' homes and does not require unnecessary formal qualifications;
- (f) improve homeworkers' safety and health such as by facilitating their access to equipment, tools, raw materials and other essential materials that are safe and of good quality;
- (g) facilitate the creation of centres and networks for homeworkers in order to provide them with information and services and reduce their isolation;
- (h) facilitate access to credit, improved housing and child care; and
- (i) promote recognition of home work as valid work experience.

(2) Access to these programmes should be ensured to rural homeworkers.

(3) Specific programmes should be adopted to eliminate child labour in home work.

XIII. Access to information

30. Where practicable, information concerning the rights and protection of homeworkers and the obligations of employers towards homeworkers, as well as the programmes referred to in Paragraph 29, should be provided in languages understood by homeworkers.

Domestic Workers Convention, 2011 (No. 189)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Up-to-date technical instrument	5 Sep 2013	Geneva, ILC 100th Session (16 June 2011)	14

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries, and

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Private Employment Agencies Convention, 1997 (No. 181), and the Employment Relationship Recommendation, 2006 (No. 198), as well as of the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011..

Article 1

For the purpose of this Convention:

- (a) the term *domestic work* means work performed in or for a household or households;
- (b) the term *domestic worker* means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

Article 2

1. The Convention applies to all domestic workers.

2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:

- (a) categories of workers who are otherwise provided with at least equivalent protection;
- (b) limited categories of workers in respect of which special problems of a substantial nature arise.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

Article 3

1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.

2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

Article 4

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child

Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.

2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

Article 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

Article 6

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

Article 7

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;
- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments;
- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods;
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

Article 8

1. National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.

2. The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.

3. Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.

4. Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

Article 9

Each Member shall take measures to ensure that domestic workers:

- (a) are free to reach agreement with their employer or potential employer on whether to reside in the household;
- (b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and
- (c) are entitled to keep in their possession their travel and identity documents.

Article 10

1. Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.

2. Weekly rest shall be at least 24 consecutive hours.

3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

Article 11

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

Article 12

1. Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.

2. National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

Article 13

1. Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 14

1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure

that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 15

1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:

- (a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;
- (b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;
- (c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;
- (d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and
- (e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.

2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 16

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

Article 17

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.

2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.

3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

Article 18

Each Member shall implement the provisions of this Convention, in consultation with the most representative employers and workers organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

Article 19

This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

Domestic Workers Recommendation, 2011 (No. 201)

Status	Adoption
Up-to-date instrument	Geneva, ILC 100th Session (16 June 2011)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Having adopted the Domestic Workers Convention, 2011, and

Having decided upon the adoption of certain proposals with regard to decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Domestic Workers Convention, 2011;

adopts this sixteenth day of June of the year two thousand and eleven the following Recommendation, which may be cited as the Domestic Workers Recommendation, 2011.

1. The provisions of this Recommendation supplement those of the Domestic Workers Convention, 2011 (“the Convention”), and should be considered in conjunction with them.

2. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:

- (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers’ organizations of their own choosing and to the right of organizations of domestic workers to join workers’ organizations, federations and confederations;
- (b) give consideration to taking or supporting measures to strengthen the capacity of workers’ and employers’ organizations, organizations representing domestic workers and those of employers of domestic workers, to promote effectively the interests of their members, provided that at all times the independence and autonomy, within the law, of such organizations are protected.

3. In taking measures for the elimination of discrimination in respect of employment and occupation, Members should, consistent with international labour standards, among other things:

- (a) make sure that arrangements for work-related medical testing respect the principle of the confidentiality of personal data and the privacy of domestic workers, and are consistent with the ILO code of practice “Protection of workers’ personal data” (1997), and other relevant international data protection standards;
- (b) prevent any discrimination related to such testing; and
- (c) ensure that no domestic worker is required to undertake HIV or pregnancy testing, or to disclose HIV or pregnancy status.

4. Members giving consideration to medical testing for domestic workers should consider:

- (a) making public health information available to members of the households and domestic workers on the primary health and disease concerns that give rise to any needs for medical testing in each national context;
- (b) making information available to members of the households and domestic workers on voluntary medical testing, medical treatment, and good health and hygiene practices, consistent with public health initiatives for the community generally; and
- (c) distributing information on best practices for work-related medical testing, appropriately adapted to reflect the special nature of domestic work.

5. (1) Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour.

(2) When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:

- (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;
- (b) prohibiting night work;
- (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and
- (d) establishing or strengthening mechanisms to monitor their working and living conditions.

6. (1) Members should provide appropriate assistance, when necessary, to ensure that domestic workers understand their terms and conditions of employment.

(2) Further to the particulars listed in Article 7 of the Convention, the terms and conditions of employment should also include:

- (a) a job description;
- (b) sick leave and, if applicable, any other personal leave;
- (c) the rate of pay or compensation for overtime and standby consistent with Article 10(3) of the Convention;
- (d) any other payments to which the domestic worker is entitled;
- (e) any payments in kind and their monetary value;
- (f) details of any accommodation provided; and
- (g) any authorized deductions from the worker's remuneration.

(3) Members should consider establishing a model contract of employment for domestic work, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

(4) The model contract should at all times be made available free of charge to domestic workers, employers, representative organizations and the general public.

7. Members should consider establishing mechanisms to protect domestic workers from abuse, harassment and violence, such as:

- (a) establishing accessible complaint mechanisms for domestic workers to report cases of abuse, harassment and violence;
- (b) ensuring that all complaints of abuse, harassment and violence are investigated, and prosecuted, as appropriate; and
- (c) establishing programmes for the relocation from the household and rehabilitation of domestic workers subjected to abuse, harassment and violence, including the provision of temporary accommodation and health care.

8. (1) Hours of work, including overtime and periods of standby consistent with Article 10(3) of the Convention, should be accurately recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

9. (1) With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (standby or on-call periods), Members, to the extent determined by national laws, regulations or collective agreements, should regulate:

- (a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby, and the ways they might be measured;
- (b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is interrupted by standby; and
- (c) the rate at which standby hours should be remunerated.

(2) With regard to domestic workers whose normal duties are performed at night, and taking into account the constraints of night work, Members should consider measures comparable to those specified in subparagraph 9(1).

10. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for meals and breaks to be taken.

11. (1) Weekly rest should be at least 24 consecutive hours.

(2) The fixed day of weekly rest should be determined by agreement of the parties, in accordance with national laws, regulations or collective agreements, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.

(3) Where national laws, regulations or collective agreements provide for weekly rest to be accumulated over a period longer than seven days for workers generally, such a period should not exceed 14 days for domestic workers.

12. National laws, regulations or collective agreements should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

13. Time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave.

14. When provision is made for the payment in kind of a limited proportion of remuneration, Members should consider:

- (a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the remuneration necessary for the maintenance of domestic workers and their families;
- (b) calculating the monetary value of payments in kind by reference to objective criteria such as market value, cost price or prices fixed by public authorities, as appropriate;
- (c) limiting payments in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation;
- (d) ensuring that, when a domestic worker is required to live in accommodation provided by the household, no deduction may be made from the remuneration with respect to that accommodation, unless otherwise agreed to by the worker; and
- (e) ensuring that items directly related to the performance of domestic work, such as uniforms, tools or protective equipment, and their cleaning and maintenance, are not considered as payment in kind and their cost is not deducted from the remuneration of the domestic worker.

15. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made.

(2) Upon termination of employment, any outstanding payments should be made promptly.

16. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of the employer's insolvency or death.

17. When provided, accommodation and food should include, taking into account national conditions, the following:

- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
- (b) access to suitable sanitary facilities, shared or private;
- (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
- (d) meals of good quality and sufficient quantity, adapted to the extent reasonable to the cultural and religious requirements, if any, of the domestic worker concerned.

18. In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

19. Members, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, should take measures, such as to:

- (a) protect domestic workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in order to prevent injuries, diseases and deaths and promote occupational safety and health in the household workplace;
- (b) provide an adequate and appropriate system of inspection, consistent with Article 17 of the Convention, and adequate penalties for violation of occupational safety and health laws and regulations;
- (c) establish procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational safety and health related risks and injuries;
- (d) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
- (e) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

20. (1) Members should consider, in accordance with national laws and regulations, means to facilitate the payment of social security contributions, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

(2) Members should consider concluding bilateral, regional or multilateral agreements to provide, for migrant domestic workers covered by such agreements, equality of treatment in respect of social security, as well as access to and preservation or portability of social security entitlements.

(3) The monetary value of payments in kind should be duly considered for social security purposes, including in respect of the contribution by the employers and the entitlements of the domestic workers.

21. (1) Members should consider additional measures to ensure the effective protection of domestic workers and, in particular, migrant domestic workers, such as:

- (a) establishing a national hotline with interpretation services for domestic workers who need assistance;
- (b) consistent with Article 17 of the Convention, providing for a system of pre-placement visits to households in which migrant domestic workers are to be employed;
- (c) developing a network of emergency housing;
- (d) raising employers' awareness of their obligations by providing information on good practices in the employment of domestic workers, employment and immigration law obligations regarding migrant domestic workers, enforcement arrangements and sanctions in cases of violation, and assistance services available to domestic workers and their employers;
- (e) securing access of domestic workers to complaint mechanisms and their ability to pursue legal civil and criminal remedies, both during and after employment, irrespective of departure from the country concerned; and
- (f) providing for a public outreach service to inform domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and

legal remedies, concerning both employment and immigration law, and legal protection against crimes such as violence, trafficking in persons and deprivation of liberty, and to provide any other pertinent information they may require.

(2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and through any other appropriate measures.

22. Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, consider specifying by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation at no cost to themselves on the expiry or termination of the employment contract for which they were recruited.

23. Members should promote good practices by private employment agencies in relation to domestic workers, including migrant domestic workers, taking into account the principles and approaches in the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188).

24. In so far as compatible with national law and practice concerning respect for privacy, Members may consider conditions under which labour inspectors or other officials entrusted with enforcing provisions applicable to domestic work should be allowed to enter the premises in which the work is carried out.

25. (1) Members should, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, establish policies and programmes, so as to:

- (a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, in order to enhance their professional development and employment opportunities;
- (b) address the work–life balance needs of domestic workers; and
- (c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.

(2) Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices to effectively collect data necessary to support effective policymaking regarding domestic work.

26. (1) Members should consider cooperating with each other to ensure the effective application of the Domestic Workers Convention, 2011, and this Recommendation, to migrant domestic workers.

(2) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning the prevention of forced labour and trafficking in persons, the access to social security, the monitoring of the activities of private employment agencies recruiting persons to work as domestic workers in another country, the dissemination of good practices and the collection of statistics on domestic work.

(3) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

(4) In the context of diplomatic immunity, Members should consider:

- (a) adopting policies and codes of conduct for diplomatic personnel aimed at preventing violations of domestic workers' rights; and
- (b) cooperating with each other at bilateral, regional and multilateral levels to address and prevent abusive practices towards domestic workers.

Older Workers Recommendation, 1980 (No. 162)

Status	Adoption
Instrument with interim status	Geneva, ILC 66th Session (23 June 1980)

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-sixth Session on 4 June 1980, and
 Recalling that the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, do not include age among the grounds for discrimination listed therein, but provide for possible additions to the list, and
 Recalling the specific provisions relating to older workers in the Employment Policy Recommendation, 1964, and in the Human Resources Development Recommendation, 1975, and
 Recalling the terms of existing instruments relating to the social security of older persons, in particular the Invalidity, Old-Age and Survivors' Benefits Convention and Recommendation, 1967, and
 Recalling also the provisions of article 6, paragraph (3), of the Declaration on Equality of Opportunity and Treatment for Women Workers, adopted by the International Labour Conference at its Sixtieth Session in 1975, and
 Considering it desirable to supplement the existing instruments with standards on equality of opportunity and treatment for older workers, on their protection in employment and on preparation for and access to retirement, and
 Having decided upon the adoption of certain proposals with regard to older workers: work and retirement, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-third day of June of the year one thousand nine hundred and eighty, the following Recommendation, which may be cited as the Older Workers Recommendation, 1980:

I. General provisions

1. (1) This Recommendation applies to all workers who are liable to encounter difficulties in employment and occupation because of advancement in age.
- (2) In giving effect to this Recommendation, a more precise definition of the workers to whom it applies, with reference to specific age categories, may be adopted in each country, in a manner consistent with national laws, regulations and practice and appropriate under local conditions.
- (3) The workers to whom this Recommendation applies are referred to herein as older workers.
2. Employment problems of older workers should be dealt with in the context of an over-all and well balanced strategy for full employment and, at the level of the undertaking, of an over-all and well balanced social policy, due attention being given to all population groups, thereby ensuring that employment problems are not shifted from one group to another.

II. Equality of opportunity and treatment

3. Each Member should, within the framework of a national policy to promote equality of opportunity and treatment for workers, whatever their age, and of laws and regulations and of practice on the subject, take measures for the prevention of discrimination in employment and occupation with regard to older workers.
4. Each Member should, by methods appropriate to national conditions and practice:
 - (a) make provision for the effective participation of employers' and workers' organisations in formulating the policy referred to in Paragraph 3 of this Recommendation;

- (b) make provision for the effective participation of employers' and workers' organisations in promoting the acceptance and observance of this policy;
- (c) enact such legislation and/or promote such programmes as may be calculated to secure the acceptance and observance of the policy.

5. Older workers should, without discrimination by reason of their age, enjoy equality of opportunity and treatment with other workers as regards, in particular:

- (a) access to vocational guidance and placement services;
- (b) access, taking account of their personal skills, experience and qualifications, to:
 - (i) employment of their choice in both the public and private sectors: Provided that in exceptional cases age limits may be set because of special requirements, conditions or rules of certain types of employment;
 - (ii) vocational training facilities, in particular further training and retraining;
 - (iii) paid educational leave, in particular for the purpose of training and trade union education;
 - (iv) promotion and eligibility for distribution of tasks;
- (c) employment security, subject to national law and practice relating to termination of employment and subject to the results of the examination referred to in Paragraph 22 of this Recommendation;
- (d) remuneration for work of equal value;
- (e) social security measures and welfare benefits;
- (f) conditions of work, including occupational safety and health measures;
- (g) access to housing, social services and health institutions, in particular when this access is related to occupational activity or employment.

6. Each Member should examine relevant statutory provisions and administrative regulations and practices in order to adapt them to the policy referred to in Paragraph 3 of this Recommendation.

7. Each Member should, by methods appropriate to national conditions and practice:

- (a) ensure as far as possible the observance of the policy referred to in Paragraph 3 of this Recommendation in all activities under the direction or control of a public authority;
- (b) promote the observance of that policy in all other activities, in co-operation with employers' and workers' organisations and any other bodies concerned.

8. Older workers and trade union organisations as well as employers and their organisations should have access to bodies empowered to examine and investigate complaints regarding equality of opportunity and treatment, with a view to securing the correction of any practices regarded as in conflict with the policy.

9. All appropriate measures should be taken to ensure that guidance, training and placement services provide older workers with the facilities, advice and assistance they may need to enable them to take full advantage of equality of opportunity and treatment.

10. Application of the policy referred to in Paragraph 3 of this Recommendation should not adversely affect such special protection or assistance for older workers as is recognised to be necessary.

III. Protection

11. Within the framework of a national policy to improve working conditions and the working environment at all stages of working life, measures appropriate to national conditions and practice designed to enable older workers to continue in employment under satisfactory conditions should be devised, with the participation of the representative organisations of employers and workers.

12. (1) Studies should be undertaken, with the participation of employers' and workers' organisations, in order to identify the types of activity likely to hasten the ageing process or in which older workers encounter difficulties in adapting to the demands of their work, to determine the reasons, and to devise appropriate solutions.

(2) These studies may be part of a general system for evaluating jobs and corresponding skills.

(3) The results of the studies should be widely disseminated, in particular to employers' and workers' organisations, and, as the case may be, through them to the older workers concerned.

13. Where the reasons for the difficulties in adaptation encountered by older workers are mainly related to advancement in age, measures in respect of the type of activity in question should to the extent practicable be applied so as to:

- (a) remedy those conditions of work and of the working environment that are likely to hasten the ageing process;
- (b) modify the forms of work organisation and working time which lead to stress or to an excessive pace of work in relation to the possibilities of the workers concerned, in particular by limiting overtime;
- (c) adapt the job and its content to the worker by recourse to all available technical means and, in particular, to ergonomic principles, so as to preserve health, prevent accidents and maintain working capacity;
- (d) provide for a more systematic supervision of the workers' state of health;
- (e) provide for such supervision on the job as is appropriate for preserving the workers' safety and health.

14. Among the measures to give effect to Paragraph 13, clause (b), of this Recommendation, the following might be taken at the level of the undertaking, after consulting the workers' representatives or with the participation of their representative organisations, or through collective bargaining, according to the practice prevailing in each country:

- (a) reducing the normal daily and weekly hours of work of older workers employed on arduous, hazardous or unhealthy work;
- (b) promoting the gradual reduction of hours of work, during a prescribed period prior to the date on which they reach the age normally qualifying workers for an old-age benefit, of all older workers who request such reduction;
- (c) increasing annual holidays with pay on the basis of length of service or of age;
- (d) enabling older workers to organise their work time and leisure to suit their convenience, particularly by facilitating their part-time employment and providing for flexible working hours;
- (e) facilitating the assignment of older workers to jobs performed during normal day-time working hours after a certain number of years of assignment to continuous or semi-continuous shift work.

15. Every effort should be made to meet the difficulties encountered by older workers through guidance and training measures such as those provided for in Paragraph 50 of the Human Resources Development Recommendation, 1975.

16. (1) With the participation of the representative organisations of employers and workers, measures should be taken with a view to applying to older workers, wherever possible, systems of remuneration adapted to their needs.

(2) These measures might include:

- (a) use of systems of remuneration that take account not only of speed of performance but also of know-how and experience;
- (b) the transfer of older workers from work paid by results to work paid by time.

17. Measures might also be taken to make available to older workers if they so desire other employment opportunities in their own or in another occupation in which they can make use of their talents and experience, as far as possible without loss of earnings.

18. In cases of reduction of the workforce, particularly in declining industries, special efforts should be made to take account of the specific needs of older workers, for instance by facilitating retraining for other industries, by providing assistance in securing new employment or by providing adequate income protection or adequate financial compensation.

19. Special efforts should be made to facilitate the entry or re-entry into employment of older persons seeking work after having been out of employment due to their family responsibilities.

IV. Preparation for and access to retirement

20. For the purposes of this Part of this Recommendation:

- (a) the term *prescribed* means determined by or in virtue of one of the means of action referred to in Paragraph 31 of this Recommendation;

- (b) the term *old-age benefit* means a benefit provided in the case of survival beyond a prescribed age;
- (c) the term *retirement benefit* means old-age benefit the award of which is subject to the cessation of any gainful activity;
- (d) the expression *age normally qualifying workers for an old-age benefit* means the prescribed age for award of old-age benefit with reference to which such an award can be either advanced or postponed;
- (e) the term *long-service benefit* means a benefit the grant of which depends only upon the completion of a long qualifying period, irrespective of age;
- (f) the term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

21. Wherever possible, measures should be taken with a view to:

- (a) ensuring that, in a framework allowing for a gradual transition from working life to freedom of activity, retirement is voluntary;
- (b) making the age qualifying for an old-age pension flexible.

22. Legislative and other provisions making mandatory the termination of employment at a specified age should be examined in the light of the preceding Paragraph and Paragraph 3 of this Recommendation.

23. (1) Subject to its policy regarding special benefits, each Member should endeavour to ensure that older workers whose hours of work are gradually reduced and reach a prescribed level, or who start to work on a part-time basis, receive, during a prescribed period prior to the date on which they reach the age normally qualifying workers for an old-age benefit, a special benefit in partial or full compensation for the reduction in their remuneration.

(2) The amount and conditions of the special benefit referred to in subparagraph (1) of this Paragraph should be prescribed; where appropriate, the special benefit should be treated as earnings for the purpose of calculating old-age benefit and the period during which it is paid should be taken into account in such calculation.

24. (1) Older workers who are unemployed during a prescribed period prior to the date on which they reach the age normally qualifying workers for an old-age benefit should, where an unemployment benefit scheme exists, continue until such date to receive unemployment benefit or adequate income maintenance.

(2) Alternatively, older workers who have been unemployed for at least one year should be eligible for an early retirement benefit during a prescribed period prior to the date on which they reach the age normally qualifying workers for an old-age benefit; the grant of early retirement benefit should not be made dependent upon a qualifying period longer than that required at the age normally qualifying workers for an old-age benefit and its amount, corresponding to that of the benefit the worker concerned would have received at that age, should not be reduced to offset the probable longer duration of payment, but, for the purpose of calculating this amount, the period separating the actual age from the age normally qualifying workers for an old-age benefit need not be included in the qualifying period.

25. (1) Older workers who:

- (a) have been engaged in occupations that are deemed arduous or unhealthy, for the purpose of old-age benefit, by national laws or regulations or national practice, or
- (b) are recognised as being unfit for work to a degree prescribed, should be eligible, during a prescribed period prior to the date on which they reach the age normally qualifying workers for an old-age benefit, for an early retirement benefit the grant of which may be made dependent upon a prescribed qualifying period; the amount of the benefit, corresponding to that of the benefit the worker concerned would have received at the age normally qualifying workers to an old-age benefit, should not be reduced to offset the probable longer duration of payment, but, for the purpose of calculating this amount, the period separating the actual age from the age normally qualifying workers for an old-age benefit need not be included in the qualifying period.

(2) The provisions of subparagraph (1) of this Paragraph do not apply to:

- (a) persons in receipt of an invalidity or other pension on grounds of incapacity for work corresponding to a degree of invalidity or incapacity at least equal to that required to qualify for an early retirement benefit;

(b) persons for whom adequate provision is made through occupational pension schemes or other social security benefits.

26. Older workers to whom Paragraphs 24 and 25 do not apply should be eligible for an early old-age benefit during a prescribed period prior to the date on which they reach the age normally qualifying workers for an old-age benefit, subject to such reductions as may be made in the amount of any periodical old-age benefit they would have received at that age.

27. Under schemes in which the grant of an old-age benefit depends on the payment of contributions or on a period of occupational activity, older workers who have completed a prescribed qualifying period should be entitled to receive a long-service benefit.

28. The provisions of Paragraphs 26 and 27 of this Recommendation need not be applied by schemes in which workers can qualify for an old-age benefit at the age of sixty-five or earlier.

29. Older workers who are fit for work should be able to defer their claim to an old-age benefit beyond the age normally qualifying workers for such a benefit, for example either for the purpose of satisfying all qualifying conditions for benefit or with a view to receiving benefit at a higher rate taking account of the later age at which the benefit is taken and, as the case may be, of the additional work or contributions.

30. (1) Retirement preparation programmes should be implemented during the years preceding the end of working life with the participation or representative organisations of employers and workers and other bodies concerned. In this connection, account should be taken of the Paid Educational Leave Convention, 1974.

(2) Such programmes should, in particular, enable the persons concerned to make plans for their retirement and to adapt to the new situation by providing them with information on:

- (a) income and, in particular, the old-age benefit they can expect to receive, their tax status as pensioners, and the related advantages available to them such as medical care, social services and any reduction in the cost of certain public services;
- (b) the opportunities and conditions for continuing an occupational activity, particularly on a part-time basis, and on the possibility of establishing themselves as self-employed;
- (c) the ageing process and measures to attenuate it such as medical examinations, physical exercise and appropriate diet;
- (d) how to use leisure time;
- (e) the availability of facilities for the education of adults, whether for coping with the particular problems of retirement or for maintaining or developing interests and skills.

V. Implementation

31. Effect may be given to this Recommendation, by stages as necessary, through laws or regulations or collective agreements or in any other manner consistent with national practice and taking account of national economic and social conditions.

32. Appropriate measures should be taken with a view to informing the public and, more particularly, those responsible for guidance, training, placement and the social services concerned, as well as employers, workers and their respective organisations, of the problems which older workers may encounter in respect, in particular, of the matters dealt with in Paragraph 5 of this Recommendation and of the desirability of helping them to overcome such problems.

33. Measures should be taken to ensure that older workers are fully informed of their rights and opportunities and encouraged to avail themselves of them.

Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Technical instrument subject to a request for information	15 June 1974	Geneva, ILC 30th Session (11 July 1947)	2 Denounced: 1

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning the application of international labour standards in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Standards (Non-Metropolitan Territories) Convention, 1947:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office with its ratification a declaration stating, in respect of the territories referred to in Article 35

of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, the extent to which it undertakes that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in respect of the said territories.

2. The aforesaid declaration shall state in respect of each of the Conventions set forth in the Schedule to this Convention:

- (a) the territories in respect of which the Member undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which the Member undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications.
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which the Member reserves its decision.

3. The undertakings referred to in subparagraphs (a) and (b) of paragraph 2 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

4. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 2 of this Article.

5. Any Member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 2

1. A declaration accepting the obligations of this Convention in respect of any non-metropolitan territory where the subject matter of the Conventions set forth in the Schedule to this Convention is within the self-governing powers of the territory may be communicated to the Director-General of the International Labour Office by the Member responsible for the international relations of the territory in agreement with the Government of the territory.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraph of this Article shall include an undertaking that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in the territory concerned either without modification or subject to modifications; when the declaration indicates that the provisions of one or more of the said Conventions will be applied subject to modifications it shall give in respect of each such Convention details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of any one or more of the Conventions set forth in the Schedule.

Article 3

The competent authority may, by regulations published beforehand, exclude from the application of any provisions giving effect to any of the Conventions set forth in the Schedule undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

Article 4

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of one or more of the Conventions set forth in the Schedule, the annual reports on the application of this Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 5

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule to this Convention including the provisions of further Conventions in the Schedule or substituting for the provisions of any Convention set forth in the Schedule the provisions of any Convention revising that Convention which may have been adopted by the Conference.

2. Each Member for which this Convention is in force and each territory for which a declaration accepting the obligations of this Convention in pursuance of Article 2 is in force

shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such amendment to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such amendment shall become effective for each Member for which this Convention is in force on acceptance by the said Member and for each territory in respect of which a declaration accepting the obligations of the Convention in pursuance of Article 2 is in force on acceptance in respect of the said territory.

4. When any such amendment becomes effective for any Member or for any territory in respect of which the obligations of this Convention have been accepted in pursuance of Article 2, the Member, Members or international authority concerned shall communicate

to the Director-General of the International Labour Office a declaration giving, in respect of the Convention or Conventions the provisions of which have been included in the Schedule by the amendment, the particulars required by paragraph 2 of Article 1 or paragraph 3 of Article 2 as the case may be.

5. Any Member which ratifies this Convention after the date of the adoption of any such amendment by the Conference shall be deemed to have ratified the Convention as amended and any territory in respect of which the obligations of the Convention are accepted after that date in pursuance of Article 2 shall be deemed to have accepted the obligations of the Convention as amended.

ANNEX¹

1. The annex contains 13 conventions (following the title is an indication of the instrument's status):

1. Minimum Age (Industry) Convention (Revised), 1937 (No. 59) – *Outdated*
2. Minimum Age (Sea) Convention (Revised), 1936 (No. 58) – *Interim status*
3. Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) – *Outdated*
4. Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) – *Up-to-date*
5. Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16) – *To be revised*
6. Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) – *To be revised*
7. Maternity Protection Convention, 1919 (No. 3) – *Interim status*
8. Night Work (Women) Convention (Revised), 1948 (No. 89) – *Interim status*
9. Underground Work (Women) Convention, 1935 (No. 45) – *Interim status*
10. Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) – *Interim status*
11. Workmen's Compensation (Accidents) Convention, 1925 (No. 17) – *Outdated*
12. Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27) – *To be revised*
13. Weekly Rest (Industry) Convention, 1921 (No. 14) – *Up-to-date*

Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8)

Status	Adoption
Instrument subject to a request for information	Genoa, ILC 2nd Session (9 July 1920)

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office on the 15 June 1920, and

Having decided upon the adoption of certain proposals with regard to the application to seamen of the Convention drafted at Washington, last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to eight hours in the day and forty-eight in the week; consequential effects as regards manning and the regulations relating to accommodation and health on board ship, which is the first item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Hours of Work (Inland Navigation) Recommendation, 1920, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

In view of the declaration in the Constitution of the International Labour Organisation that all industrial communities should endeavour to adopt, so far as their special circumstances will permit, “ an eight hours’ day or a forty-eight hours’ week as the standard to be aimed at where it has not already been attained “, the International Labour Conference recommends:

I

That each Member of the International Labour Organisation should, if it has not already done so, enact legislation limiting in the direction of the above declaration in the Constitution of the International Labour Organisation the hours of work of workers employed in inland navigation, with such special provisions as may be necessary to meet the climatic and industrial conditions peculiar to inland navigation in each country, and after consultation with the organisations of employers and the organisations of workers concerned.

II

That those Members of the International Labour Organisation whose territories are riparian to waterways which are used in common by their boats should enter into agreements for limiting in the direction of the aforesaid declaration, the hours of work of persons employed in inland navigation on such waterways, after consultation with the organisations of employers and the organisations of workers concerned.

III

That such national legislation and such agreements between riparian countries should follow as far as possible the general lines of the Convention concerning hours of work adopted by the International Labour Conference at Washington, with such exceptions as may be necessary for meeting the climatic or other special conditions of the countries concerned.

IV

That, in the application of this Recommendation, each Member of the International Labour Organisation should determine for itself, after consultation with the organisations of employers and

the organisations of workers concerned what is inland navigation as distinguished from maritime navigation, and should communicate its determination to the International Labour Office.

V

That each Member of the International Labour Organisation should report to the International Labour Office, within two years after the adjournment of the Genoa Conference, the progress which it has made in the direction of this Recommendation.

Final articles Conventions

Final Articles Revision Convention, 1946 (No. 80)	1051
Final Articles Revision Convention, 1961 (No. 116)	1054

Final Articles Revision Convention, 1946 (No. 80)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Final article technical instrument, not examined	28 May 1947	Montreal, ILC 29th Session (9 Oct 1946)	57

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Conventions adopted by the Conference at its first twenty-eight sessions for the purpose of making provision for the future discharge of certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations and introducing therein certain further amendments consequential upon the dissolution of the League of Nations and the amendment of the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention, adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Final Articles Revision Convention, 1946:

Article 1

1. In the texts of the Conventions adopted by the International Labour Conference in the course of its first twenty-five sessions the words “the Director-General of the International Labour Office” shall be substituted for the words “the Secretary-General of the League of Nations”, the words “The Director-General” shall be substituted for the words “the Secretary-General”, and the words “the International Labour Office” shall be substituted for the words “the Secretariat” in all passages where these various expressions respectively occur.

2. The registration by the Director-General of the International Labour Office of the ratifications of Conventions and amendments, acts of denunciation, and declarations provided for in the Conventions adopted by the Conference in the course of its first twenty-five sessions shall have the same force and effect for all purposes as the registration of such ratifications, acts of denunciation and declarations by the Secretary-General of the League of Nations in accordance with the terms of the original texts of the said Conventions.

3. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acts of denunciation and declarations registered by him in accordance with the provisions of the Conventions adopted by the Conference at its first twenty-five sessions as amended by the foregoing provisions of this Article.

Article 2

1. The words “of the League of Nations” shall be deleted from the first paragraph of the Preamble of each of the Conventions adopted by the Conference in the course of its first eighteen sessions.

2. The words “in accordance with the provisions of the Constitution of the International Labour Organisation” shall be substituted for the words “in accordance with the provisions

of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace” and the variants thereof contained in the Preambles of the Conventions adopted by the Conference in the course of its first seventeen sessions.

3. The words “under the conditions set forth in the Constitution of the International Labour Organisation” shall be substituted for the words “under the conditions set forth in Part XIII of the Treaty of Versailles and the corresponding Parts of the other Treaties of Peace” or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

4. The words “Article 22 of the Constitution of the International Labour Organisation” shall be substituted for the words “Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace” or any variant thereof in all Articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

5. The words “Article 35 of the Constitution of the International Labour Organisation” shall be substituted for the words “Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace” in all Articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

6. The word “Draft” shall be omitted from the expression “Draft Convention” in the Preambles of the Conventions adopted by the Conference in the course of its first twenty-five sessions and in all Articles of the said Conventions in which the said expression occurs.

7. The title “Director-General” shall be substituted for the title “Director” in all articles of the Conventions adopted by the Conference in the course of its twenty-eighth session which refer to the Director of the International Labour Office.

8. In each of the Conventions adopted by the Conference in the course of its first seventeen sessions there shall be included in the Preamble the words “which may be cited as” together with the short title currently used by the International Labour Office for the Convention in question.

9. In each of the Conventions adopted by the Conference in the course of its first fourteen sessions all unnumbered paragraphs of Articles containing more than one paragraph shall be consecutively numbered.

Article 3

Any Member of the Organisation which, after the date of the coming into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any Convention adopted by the Conference in the course of its first twenty-eight sessions shall be deemed to have ratified that Convention as modified by this Convention.

Article 4

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

Article 5

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office.
2. The Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been received by the Director-General.
3. On the coming into force of this Convention and on the subsequent receipt of further ratifications of the Convention, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.
4. Each Member of the Organisation which ratifies this Convention thereby recognises the validity of any action taken thereunder during the interval between the first coming into force of the Convention and the date of its own ratification.

Article 6

On the first coming into force of this Convention the Director-General of the International Labour Office shall cause official texts of the Conventions adopted by the Conference in the course of its first twenty-eight sessions as modified by the provisions of this Convention to be prepared in two original copies, duly authenticated by his signature, one of which shall be deposited in the archives of the International Labour Office and one of which shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations; the Director-General shall communicate certified copies of these texts to each of the Members of the Organisation.

Article 7

Notwithstanding anything contained in any of the Conventions adopted by the Conference in the course of its first twenty-eight sessions, the ratification of this Convention by a Member shall not, *ipso jure*, involve the denunciation of any such Convention, nor shall the entry into force of this Convention close any such Convention to further ratification.

Article 8

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall, *ipso jure*, involve the denunciation of this Convention if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its present form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 9

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

Final Articles Revision Convention, 1961 (No. 116)

Status	Entry into force	Adoption	Ratifications as of 1st of October 2014
Final article technical instrument, not examined	5 Feb 1962	Geneva, ILC 45th Session (26 June 1961)	77

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-fifth Session on 7 June 1961, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first thirty-two sessions for the purpose of standardising the provisions regarding the preparation of reports by the Governing Body of the International Labour Office on the working of Conventions, and

Considering that these proposals must take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and sixty-one the following Convention, which may be cited as the Final Articles Revision Convention, 1961:

Article 1

In the texts of the Conventions adopted by the International Labour Conference in the course of its first thirty-two sessions, the Final Article providing for the presentation by the Governing Body of the International Labour Office to the General Conference of a report on the working of the Convention shall be omitted and the following article shall be substituted for it:

“At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.”

Article 2

Any Member of the Organisation which, after the date of the coming into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any Convention adopted by the Conference in the course of its first thirty-two sessions shall be deemed to have ratified that Convention as modified by this Convention.

Article 3

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

Article 4

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

2. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been received by the Director-General.

3. On the coming into force of this Convention and on the subsequent receipt of further ratifications of the Convention, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

4. Each Member of the Organisation which ratifies this Convention thereby recognises that the obligation of the Governing Body under Conventions adopted by the Conference at its first thirty-two sessions to present to the Conference at the intervals prescribed thereby a report on the working of each Convention and to examine at such intervals the desirability of placing on the agenda of the Conference the question of the revision of the Convention in whole or in part was replaced as from the first coming into force of this Convention by the provisions of the modified article set forth in Article 1 of this Convention.

Article 5

Notwithstanding anything contained in any of the Conventions adopted by the Conference in the course of its first thirty-two sessions the ratification of this Convention by a Member shall not *ipso jure* involve the denunciation of any such Convention, nor shall the entry into force of this Convention close any such Convention to further ratification.

Article 6

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

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

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

Article 7

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

Recommendation not yet classified

Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) 1059

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

Status	Adoption
Up-to-date instrument	Geneva, ILC 104th Session (12 June 2015)

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the

International Labour Office, and having met in its 104th Session on 1 June 2015, and

Recognizing that the high incidence of the informal economy in all its aspects is a major challenge for the rights of workers, including the fundamental principles and rights at work, and for social protection, decent working conditions, inclusive development and the rule of law, and has a negative impact on the development of sustainable enterprises, public revenues and governments' scope of action, particularly with regard to economic, social and environmental policies, the soundness of institutions and fair competition in national and international markets, and

Acknowledging that most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy and in the absence of other means of livelihood, and

Recalling that decent work deficits – the denial of rights at work, the absence of sufficient opportunities for quality employment, inadequate social protection and the absence of social dialogue – are most pronounced in the informal economy, and

Acknowledging that informality has multiple causes, including governance and structural issues, and that public policies can speed up the process of transition to the formal economy, in a context of social dialogue, and

Recalling the Declaration of Philadelphia, 1944, the Universal Declaration of Human Rights, 1948, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, and the ILO Declaration on Social Justice for a Fair Globalization, 2008, and

Reaffirming the relevance of the eight ILO fundamental Conventions and other relevant international labour standards and United Nations instruments as listed in the Annex, and

Recalling the resolution and Conclusions concerning decent work and the informal economy adopted by the International Labour Conference at its 90th Session (2002), and other relevant resolutions and Conclusions as listed in the Annex, and

Affirming that the transition from the informal to the formal economy is essential to achieve inclusive development and to realize decent work for all, and

Recognizing the need for Members to take urgent and appropriate measures to enable the transition of workers and economic units from the informal to the formal economy, while ensuring the preservation and improvement of existing livelihoods during the transition, and

Recognizing that employers' and workers' organizations play an important and active role in facilitating the transition from the informal to the formal economy, and

Having decided upon the adoption of certain proposals with regard to the transition from the informal to the formal economy, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this twelfth day of June of the year two thousand and fifteen the following Recommendation, which may be cited as the Transition from the Informal to the Formal Economy Recommendation, 2015.

I. Objectives and scope

1. This Recommendation provides guidance to Members to:

- (a) facilitate the transition of workers and economic units from the informal to the formal economy, while respecting workers' fundamental rights and ensuring opportunities for income security, livelihoods and entrepreneurship;
- (b) promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy and the coherence of macroeconomic, employment, social protection and other social policies; and
- (c) prevent the informalization of formal economy jobs.

2. For the purposes of this Recommendation, the term "informal economy":

- (a) refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements; and
- (b) does not cover illicit activities, in particular the provision of services or the production, sale, possession or use of goods forbidden by law, including the illicit production and trafficking of drugs, the illicit manufacturing of and trafficking in firearms, trafficking in persons, and money laundering, as defined in the relevant international treaties.

3. For the purposes of this Recommendation, "economic units" in the informal economy include:

- (a) units that employ hired labour;
- (b) units that are owned by individuals working on their own account, either alone or with the help of contributing family workers; and
- (c) cooperatives and social and solidarity economy units.

4. This Recommendation applies to all workers and economic units – including enterprises, entrepreneurs and households – in the informal economy, in particular:

- (a) those in the informal economy who own and operate economic units, including:
 - (i) own-account workers;
 - (ii) employers; and
 - (iii) members of cooperatives and of social and solidarity economy units;
- (b) contributing family workers, irrespective of whether they work in economic units in the formal or informal economy;
- (c) employees holding informal jobs in or for formal enterprises, or in or for economic units in the informal economy, including but not limited to those in subcontracting and in supply chains, or as paid domestic workers employed by households; and
- (d) workers in unrecognized or unregulated employment relationships.

5. Informal work may be found across all sectors of the economy, in both public and private spaces.

6. In giving effect to the provisions of Paragraphs 2 to 5 above, and given the diversity of the informal economy across member States, the competent authority should identify the nature and extent of the informal economy as described in this Recommendation, and its relationship to the formal economy. In so doing, the competent authority should make use of tripartite mechanisms with the full participation of the most representative employers' and workers' organizations, which should include in their rank, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy.

II. Guiding principles

7. In designing coherent and integrated strategies to facilitate the transition to the formal economy, Members should take into account the following:

- (a) the diversity of characteristics, circumstances and needs of workers and economic units in the informal economy, and the necessity to address such diversity with tailored approaches;
- (b) the specific national circumstances, legislation, policies, practices and priorities for the transition to the formal economy;

- (c) the fact that different and multiple strategies can be applied to facilitate the transition to the formal economy;
- (d) the need for coherence and coordination across a broad range of policy areas in facilitating the transition to the formal economy;
- (e) the effective promotion and protection of the human rights of all those operating in the informal economy;
- (f) the fulfilment of decent work for all through respect for the fundamental principles and rights at work, in law and practice;
- (g) the up-to-date international labour standards that provide guidance in specific policy areas (see Annex);
- (h) the promotion of gender equality and non-discrimination;
- (i) the need to pay special attention to those who are especially vulnerable to the most serious decent work deficits in the informal economy, including but not limited to women, young people, migrants, older people, indigenous and tribal peoples, persons living with HIV or affected by HIV or AIDS, persons with disabilities, domestic workers and subsistence farmers;
- (j) the preservation and expansion, during the transition to the formal economy, of the entrepreneurial potential, creativity, dynamism, skills and innovative capacities of workers and economic units in the informal economy;
- (k) the need for a balanced approach combining incentives with compliance measures; and
- (l) the need to prevent and sanction deliberate avoidance of, or exit from, the formal economy for the purpose of evading taxation and the application of social and labour laws and regulations.

III. Legal and policy frameworks

8. Members should undertake a proper assessment and diagnostics of factors, characteristics, causes and circumstances of informality in the national context to inform the design and implementation of laws and regulations, policies and other measures aiming to facilitate the transition to the formal economy.

9. Members should adopt, review and enforce national laws and regulations or other measures to ensure appropriate coverage and protection of all categories of workers and economic units.

10. Members should ensure that an integrated policy framework to facilitate the transition to the formal economy is included in national development strategies or plans as well as in poverty reduction strategies and budgets, taking into account, where appropriate, the role of different levels of government.

11. This integrated policy framework should address:

- (a) the promotion of strategies for sustainable development, poverty eradication and inclusive growth, and the generation of decent jobs in the formal economy;
- (b) the establishment of an appropriate legislative and regulatory framework;
- (c) the promotion of a conducive business and investment environment;
- (d) respect for and promotion and realization of the fundamental principles and rights at work;
- (e) the organization and representation of employers and workers to promote social dialogue;
- (f) the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, at the workplace;
- (g) the promotion of entrepreneurship, micro, small and medium-sized enterprises, and other forms of business models and economic units, such as cooperatives and other social and solidarity economy units;
- (h) access to education, lifelong learning and skills development;
- (i) access to financial services, including through a regulatory framework promoting an inclusive financial sector;
- (j) access to business services;
- (k) access to markets;
- (l) access to infrastructure and technology;
- (m) the promotion of sectoral policies;

- (n) the establishment of social protection floors, where they do not exist, and the extension of social security coverage;
- (o) the promotion of local development strategies, both rural and urban, including regulated access for use of public space and regulated access to public natural resources for subsistence livelihoods;
- (p) effective occupational safety and health policies;
- (q) efficient and effective labour inspections;
- (r) income security, including appropriately designed minimum wage policies;
- (s) effective access to justice; and
- (t) international cooperation mechanisms.

12. When formulating and implementing an integrated policy framework, Members should ensure coordination across different levels of government and cooperation between the relevant bodies and authorities, such as tax authorities, social security institutions, labour inspectorates, customs authorities, migration bodies and employment services, among others, depending on national circumstances.

13. Members should recognize the importance of safeguarding the opportunities of workers and economic units for income security in the transition to the formal economy by providing the means for such workers or economic units to obtain recognition of their existing property as well as by providing the means to formalize property rights and access to land.

IV. Employment policies

14. In pursuing the objective of quality job creation in the formal economy, Members should formulate and implement a national employment policy in line with the Employment Policy Convention, 1964 (No. 122), and make full, decent, productive and freely chosen employment a central goal in their national development and growth strategy or plan.

15. Members should promote the implementation of a comprehensive employment policy framework, based on tripartite consultations, that may include the following elements:

- (a) pro-employment macroeconomic policies that support aggregate demand, productive investment and structural transformation, promote sustainable enterprises, support business confidence, and address inequalities;
- (b) trade, industrial, tax, sectoral and infrastructure policies that promote employment, enhance productivity and facilitate structural transformation processes;
- (c) enterprise policies that promote sustainable enterprises and, in particular, the conditions for a conducive environment, taking into account the resolution and Conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference at its 96th Session (2007), including support to micro, small and medium-sized enterprises and entrepreneurship, and well- designed, transparent and well-communicated regulations to facilitate formalization and fair competition;
- (d) labour market policies and institutions to help low-income households to escape poverty and access freely chosen employment, such as appropriately designed wage policies including minimum wages, social protection schemes including cash transfers, public employment programmes and guarantees, and enhanced outreach and delivery of employment services to those in the informal economy;
- (e) labour migration policies that take into account labour market needs and promote decent work and the rights of migrant workers;
- (f) education and skills development policies that support lifelong learning, respond to the evolving needs of the labour market and to new technologies, and recognize prior learning such as through informal apprenticeship systems, thereby broadening options for formal employment;
- (g) comprehensive activation measures to facilitate the school-to-work transition of young people, in particular those who are disadvantaged, such as youth guarantee schemes to provide access to training and continuing productive employment;
- (h) measures to promote the transition from unemployment or inactivity to work, in particular for long-term unemployed persons, women and other disadvantaged groups; and
- (i) relevant, accessible and up-to-date labour market information systems.

V. Rights and social protection

16. Members should take measures to achieve decent work and to respect, promote and realize the fundamental principles and rights at work for those in the informal economy, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

17. Members should:

- (a) take immediate measures to address the unsafe and unhealthy working conditions that often characterize work in the informal economy; and
- (b) promote and extend occupational safety and health protection to employers and workers in the informal economy.

18. Through the transition to the formal economy, Members should progressively extend, in law and practice, to all workers in the informal economy, social security, maternity protection, decent working conditions and a minimum wage that takes into account the needs of workers and considers relevant factors, including but not limited to the cost of living and the general level of wages in their country.

19. In building and maintaining national social protection floors within their social security system and facilitating the transition to the formal economy, Members should pay particular attention to the needs and circumstances of those in the informal economy and their families.

20. Through the transition to the formal economy, Members should progressively extend the coverage of social insurance to those in the informal economy and, if necessary, adapt administrative procedures, benefits and contributions, taking into account their contributory capacity.

21. Members should encourage the provision of and access to affordable quality childcare and other care services in order to promote gender equality in entrepreneurship and employment opportunities and to enable the transition to the formal economy.

VI. Incentives, compliance and enforcement

22. Members should take appropriate measures, including through a combination of preventive measures, law enforcement and effective sanctions, to address tax evasion and avoidance of social contributions, labour laws and regulations. Any incentives should be linked to facilitating the effective and timely transition from the informal to the formal economy.

23. Members should reduce, where appropriate, the barriers to the transition to the formal economy and take measures to promote anti-corruption efforts and good governance.

24. Members should provide incentives for, and promote the advantages of, effective transition to the formal economy, including improved access to business services, finance, infrastructure, markets, technology, education and skills programmes, and property rights.

25. With respect to the formalization of micro and small economic units, Members should:

- (a) undertake business entry reforms by reducing registration costs and the length of the procedure, and by improving access to services, for example, through information and communication technologies;
- (b) reduce compliance costs by introducing simplified tax and contributions assessment and payment regimes;
- (c) promote access to public procurement, consistent with national legislation, including labour legislation, through measures such as adapting procurement procedures and volumes, providing training and advice on participating in public tenders, and reserving quotas for these economic units;
- (d) improve access to inclusive financial services, such as credit and equity, payment and insurance services, savings, and guarantee schemes, tailored to the size and needs of these economic units;
- (e) improve access to entrepreneurship training, skills development and tailored business development services; and
- (f) improve access to social security coverage.

26. Members should put in place appropriate mechanisms or review existing mechanisms with a view to ensuring compliance with national laws and regulations, including but not limited to ensuring recognition and enforcement of employment relationships, so as to facilitate the transition to the formal economy.

27. Members should have an adequate and appropriate system of inspection, extend coverage of labour inspection to all workplaces in the informal economy in order to protect workers, and provide guidance for enforcement bodies, including on how to address working conditions in the informal economy.

28. Members should take measures to ensure the effective provision of information, assistance in complying with the relevant laws and regulations, and capacity building for relevant actors.

29. Members should put in place efficient and accessible complaint and appeal procedures.

30. Members should provide for preventive and appropriate corrective measures to facilitate the transition to the formal economy, and ensure that the administrative, civil or penal sanctions provided for by national laws for non-compliance are adequate and strictly enforced.

VII. Freedom of association, social dialogue and role of employers' and workers' organizations

31. Members should ensure that those in the informal economy enjoy freedom of association and the right to collective bargaining, including the right to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

32. Members should create an enabling environment for employers and workers to exercise their right to organize and to bargain collectively and to participate in social dialogue in the transition to the formal economy.

33. Employers' and workers' organizations should, where appropriate, extend membership and services to workers and economic units in the informal economy.

34. In designing, implementing and evaluating policies and programmes of relevance to the informal economy, including its formalization, Members should consult with and promote active participation of the most representative employers' and workers' organizations, which should include in their rank, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy.

35. Members and employers' and workers' organizations may seek the assistance of the International Labour Office to strengthen the capacity of the representative employers' and workers' organizations and, where they exist, representative organizations of those in the informal economy, to assist workers and economic units in the informal economy, with a view to facilitating the transition to the formal economy.

VIII. Data collection and monitoring

36. Members should, in consultation with employers' and workers' organizations, on a regular basis:

- (a) where possible and as appropriate, collect, analyse and disseminate statistics disaggregated by sex, age, workplace, and other specific socio-economic characteristics on the size and composition of the informal economy, including the number of informal economic units, the number of workers employed and their sectors; and
- (b) monitor and evaluate the progress towards formalization.

37. In developing or revising the concepts, definitions and methodology used in the production of data, statistics and indicators on the informal economy, Members should take into consideration relevant guidance provided by the International Labour Organization, in particular and as appropriate, the guidelines concerning a statistical definition of informal employment adopted by the 17th International Conference of Labour Statisticians in 2003 and their subsequent updates.

IX. Implementation

38. Members should give effect to the provisions of this Recommendation, in consultation with the most representative employers' and workers' organizations, which should include in their rank, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy, by one or a combination of the following means, as appropriate:

- (a) national laws and regulations;
- (b) collective agreements;
- (c) policies and programmes;
- (d) effective coordination among government bodies and other stakeholders;
- (e) institutional capacity building and resource mobilization; and
- (f) other measures consistent with national law and practice.

39. Members should review on a regular basis, as appropriate, the effectiveness of policies and measures to facilitate the transition to the formal economy, in consultation with the most representative employers' and workers' organizations, which should include in their rank, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy.

40. In establishing, developing, implementing and periodically reviewing the measures taken to facilitate the transition to the formal economy, Members should take into account the guidance provided by the instruments of the International Labour Organization and the United Nations relevant to the informal economy listed in the Annex.

41. Nothing in this Recommendation should be construed as reducing the protections afforded to those in the informal economy by other instruments of the International Labour Organization.

42. The Annex may be revised by the Governing Body of the International Labour Office. Any revised Annex so established, once approved by the Governing Body, shall replace the preceding annex and shall be communicated to the Members of the International Labour Organization.

ANNEX

Instruments of the International Labour Organization and the United Nations relevant to facilitating the transition from the informal to the formal economy

Instruments of the International Labour Organization

Fundamental Conventions

- Forced Labour Convention, 1930 (No. 29), and Protocol of 2014 to the Forced Labour Convention, 1930
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Equal Remuneration Convention, 1951 (No. 100)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Governance Conventions

- Labour Inspection Convention, 1947 (No. 81)
- Employment Policy Convention, 1964 (No. 122)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Other instruments

Freedom of association, collective bargaining and industrial relations

- Rural Workers' Organisations Convention, 1975 (No. 141)
- Collective Bargaining Convention, 1981 (No. 154)

Equality of opportunity and treatment

- Workers with Family Responsibilities Convention, 1981 (No. 156)

Employment policy and promotion

- Employment Policy Recommendation, 1964 (No. 122)
- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
- Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)
- Private Employment Agencies Convention, 1997 (No. 181)
- Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)
- Promotion of Cooperatives Recommendation, 2002 (No. 193)
- Employment Relationship Recommendation, 2006 (No. 198)

Vocational guidance and training

- Human Resources Development Convention, 1975 (No. 142)
- Human Resources Development Recommendation, 2004 (No. 195)

Wages

- Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84), 1949
- Minimum Wage Fixing Convention (No. 131) and Recommendation (No. 135), 1970

Occupational safety and health

- Occupational Safety and Health Convention, 1981 (No. 155)
- Safety and Health in Agriculture Convention (No. 184) and Recommendation (No. 192), 2001
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Social security

- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Social Protection Floors Recommendation, 2012 (No. 202)

Maternity protection

- Maternity Protection Convention, 2000 (No. 183)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

HIV and AIDS

- HIV and AIDS Recommendation, 2010 (No. 200)

Indigenous and tribal peoples

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

Specific categories of workers

- Home Work Convention, 1996 (No. 177)
- Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011

Resolutions of the International Labour Conference

- Resolution and Conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference at its 96th Session (2007)
- Resolution and Conclusions concerning the youth employment crisis adopted by the International Labour Conference at its 101st Session (2012)
- Resolution and Conclusions concerning the second recurrent discussion on employment adopted by the International Labour Conference at its 103rd Session (2014)

United Nations instruments

- Universal Declaration of Human Rights, 1948
- International Covenant on Economic, Social and Cultural Rights, 1966
- International Covenant on Civil and Political Rights, 1966
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

Information resources on the internet

- International Labour Organization: www.ilo.org
- International Labour Standards Department: www.ilo.org/normes
- NORMLEX (www.ilo.org/normlex): is an information system which brings together information on International Labour Standards (such as ratification information, reporting requirements, comments of the ILO's supervisory bodies, etc.) as well as national labour and social security laws.

Annex

Classification of International Labour Standards by strategic objective¹

(instruments in square brackets and italics have been shelved)

1. Fundamental principles and rights at work (FPRW) (and related instruments)

1.1 Freedom of association and collective bargaining

Fundamental Conventions

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Other instruments on freedom of association and collective bargaining

- Right of Association (Agriculture) Convention, 1921 (No. 11)
- Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)
- Workers' Representatives Convention, 1971 (No. 135)
- Workers' Representatives Recommendation, 1971 (No. 143)
- Rural Workers' Organisations Convention, 1975 (No. 141)
- Rural Workers' Organisations Recommendation, 1975 (No. 149)
- Labour Relations (Public Service) Convention, 1978 (No. 151)
- Labour Relations (Public Service) Recommendation, 1978 (No. 159)
- Collective Bargaining Convention, 1981 (No. 154)
- Collective Bargaining Recommendation, 1981 (No. 163)

1.2 Forced labour

Fundamental Conventions (and related Recommendation)

- Forced Labour Convention, 1930 (No. 29)
- Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)
- Abolition of Forced Labour Convention, 1957 (No. 105)

1.3 Child labour

Fundamental Conventions (and related Recommendations)

- Minimum Age Convention, 1973 (No. 138)
- Minimum Age Recommendation, 1973 (No. 146)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Worst Forms of Child Labour Recommendation, 1999 (No. 190)

1. Appendix of the GB.310/LILS/3/1(Rev.), March 2011

Protection of children and young persons

- Minimum Age (Industry) Convention, 1919 (No. 5)
- Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
- Minimum Age (Agriculture) Convention, 1921 (No. 10)
- Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14)
- Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
- Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41)
- Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
- Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52)
- Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
- Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
- Medical Examination of Young Persons Recommendation, 1946 (No. 79)
- Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
- Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80)
- Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
- Minimum Age (Underground Work) Convention, 1965 (No. 123)
- Minimum Age (Underground Work) Recommendation, 1965 (No. 124)
- Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)
- Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125)
- [*Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)*]
- [*Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)*]

1.4 Equality of opportunity and treatment*Fundamental Conventions (and related Recommendations)*

- Equal Remuneration Convention, 1951 (No. 100)
- Equal Remuneration Recommendation, 1951 (No. 90)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

Workers with family responsibilities

- Workers with Family Responsibilities Convention, 1981 (No. 156)
- Workers with Family Responsibilities Recommendation, 1981 (No. 165)

2. Employment

2.1 Employment policy

Governance Convention (and related Recommendations)

- Employment Policy Convention, 1964 (No. 122)
- Employment Policy Recommendation, 1964 (No. 122)
- Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

Other instruments on employment policy

- Unemployment Convention, 1919 (No. 2)
- Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)
- Employment Service Convention, 1948 (No. 88)
- Employment Service Recommendation, 1948 (No. 83)
- Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)
- Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99)
- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
- Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168)
- Private Employment Agencies Convention, 1997 (No. 181)
- Private Employment Agencies Recommendation, 1997 (No. 188)
- Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)
- Promotion of Cooperatives Recommendation, 2002 (No. 193)
- Employment Relationship Recommendation, 2006 (No. 198)
- [*Fee-Charging Employment Agencies Convention, 1933 (No. 34)*]

2.2 Skills

- Special Youth Schemes Recommendation, 1970 (No. 136)
- Paid Educational Leave Convention, 1974 (No. 140)
- Paid Educational Leave Recommendation, 1974 (No. 148)
- Human Resources Development Convention, 1975 (No. 142)
- Human Resources Development Recommendation, 2004 (No. 195)

2.3 Employment security

- Termination of Employment Convention, 1982 (No. 158)
- Termination of Employment Recommendation, 1982 (No. 166)

3. Social protection

3A. Social protection (social security)

3A.1 Comprehensive standards

- Social Insurance (Agriculture) Recommendation, 1921 (No. 17)
- Income Security Recommendation, 1944 (No. 67)
- Social Security (Armed Forces) Recommendation, 1944 (No. 68)
- Social Security (Minimum Standards) Convention, 1952 (No. 102)

3A.2 Protection provided in the different branches of social security

Medical care and sickness benefit

- Sickness Insurance (Industry) Convention, 1927 (No. 24)
- Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
- Sickness Insurance Recommendation, 1927 (No. 29)
- Medical Care Recommendation, 1944 (No. 69)
- Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- Medical Care and Sickness Benefits Recommendation, 1969 (No. 134)

Old-age, invalidity and survivors' benefit

- Invalidity, Old Age and Survivors' Benefits Convention, 1967 (No. 128)
- Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967 (No. 131)
- [*Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)*]
- [*Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)*]
- [*Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)*]
- [*Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)*]
- [*Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)*]
- [*Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)*]

Employment injury benefit

- Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
- Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
- Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
- Workmen's Compensation (Minimum Scale) Recommendation, 1925 (No. 22)
- Workmen's Compensation (Jurisdiction) Recommendation, 1925 (No. 23)
- Workmen's Compensation (Occupational Diseases) Recommendation, 1925 (No. 24)
- Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
- Employment Injury Benefits Convention, 1964 (No. 121)
- Employment Injury Benefits Recommendation, 1964 (No. 121)

Unemployment benefit

- Unemployment Provision Recommendation, 1934 (No. 44)
- Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)
- Employment Promotion and Protection against Unemployment Recommendation, 1988 (No. 176)
- [*Unemployment Provision Convention, 1934 (No. 44)*]

3A.3 Social security for migrant workers

- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25)
- Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- Maintenance of Social Security Rights Convention, 1982 (No. 157)
- Maintenance of Social Security Rights Recommendation, 1983 (No. 167)
- [*Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)*]

3B. Social protection (labour protection)

3B.1 Occupational safety and health

General provisions

- Prevention of Industrial Accidents Recommendation, 1929 (No. 31)
- Protection of Workers' Health Recommendation, 1953 (No. 97)
- Welfare Facilities Recommendation, 1956 (No. 102)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)
- Occupational Safety and Health Recommendation, 1981 (No. 164)
- Occupational Health Services Convention, 1985 (No. 161)
- Occupational Health Services Recommendation, 1985 (No. 171)
- List of Occupational Diseases Recommendation, 2002 (No. 194)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
- Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Protection against specific risks

- Anthrax Prevention Recommendation, 1919 (No. 3)
- Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4)
- White Phosphorus Recommendation, 1919 (No. 6)
- White Lead (Painting) Convention, 1921 (No. 13)
- Radiation Protection Convention, 1960 (No. 115)
- Radiation Protection Recommendation, 1960 (No. 114)
- Guarding of Machinery Convention, 1963 (No. 119)
- Guarding of Machinery Recommendation, 1963 (No. 118)
- Maximum Weight Convention, 1967 (No. 127)
- Maximum Weight Recommendation, 1967 (No. 128)
- Benzene Convention, 1971 (No. 136)
- Benzene Recommendation, 1971 (No. 144)
- Occupational Cancer Convention, 1974 (No. 139)
- Occupational Cancer Recommendation, 1974 (No. 147)
- Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
- Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
- Asbestos Convention, 1986 (No. 162)

- Asbestos Recommendation, 1986 (No. 172)
- Chemicals Convention, 1990 (No. 170)
- Chemicals Recommendation, 1990 (No. 177)
- Protection in specific branches of activity
- Underground Work (Women) Convention, 1935 (No. 45)
- Safety Provisions (Building) Convention, 1937 (No. 62)
- Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Safety and Health in Construction Recommendation, 1988 (No. 175)
- Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
- Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Safety and Health in Mines Recommendation, 1995 (No. 183)
- Safety and Health in Agriculture Convention, 2001 (No. 184)
- Safety and Health in Agriculture Recommendation, 2001 (No. 192)

3B.2 Wages

- Minimum Wage Fixing Machinery Convention, 1928 (No. 26)
- Minimum Wage Fixing Machinery Recommendation, 1928 (No. 30)
- Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
- Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84)
- Protection of Wages Convention, 1949 (No. 95)
- Protection of Wages Recommendation, 1949 (No. 85)
- Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
- Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89)
- Minimum Wage Fixing Convention, 1970 (No. 131)
- Minimum Wage Fixing Recommendation, 1970 (No. 135)
- Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)
- Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992 (No. 180)

3B.3 Working time

Hours of work, weekly rest and paid leave

- Hours of Work (Industry) Convention, 1919 (No. 1)
- Weekly Rest (Industry) Convention, 1921 (No. 14)
- Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
- Forty-Hour Week Convention, 1935 (No. 47)
- Holidays with Pay Convention, 1936 (No. 52)
- Holidays with Pay Recommendation, 1936 (No. 47)
- Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
- Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93)
- Holidays with Pay Recommendation, 1954 (No. 98)
- Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
- Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)
- Reduction of Hours of Work Recommendation, 1962 (No. 116)

- Holidays with Pay Convention (Revised), 1970 (No. 132)
- Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)
- Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161)
- Part-Time Work Convention, 1994 (No. 175)
- Part-Time Work Recommendation, 1994 (No. 182)
- *[Sheet-Glass Works Convention, 1934 (No. 43)]*
- *[Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49)]*
- *[Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67)]*

Night work

- Night Work of Women (Agriculture) Recommendation, 1921 (No. 13)
- Night Work (Women) Convention (Revised), 1948 (No. 89)
- Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89)
- Night Work Convention, 1990 (No. 171)
- Night Work Recommendation, 1990 (No. 178)
- *[Night Work (Women) Convention, 1919 (No. 4)]*
- *[Night Work (Bakeries) Convention, 1925 (No. 20)]*
- *[Night Work (Women) Convention (Revised), 1934 (No. 41)]*

3B.4 Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)
- Maternity Protection Recommendation, 2000 (No. 191)

3B.5 Social policy

- Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)
- Workers' Housing Recommendation, 1961 (No. 115)
- Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

4. Social dialogue

4.1 Tripartite consultations

Governance Convention (and related Recommendation)

- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
- Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)

4.2 Labour administration and inspection

Governance Conventions on labour inspection (and related instruments)

- Labour Inspection Convention, 1947 (No. 81)
- Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)
- Labour Inspection Recommendation, 1947 (No. 81)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

Other instruments on labour inspection

- Labour Inspection Recommendation, 1923 (No. 20)
- Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)
- Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)

Labour administration

- Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)
- Labour Administration Convention, 1978 (No. 150)
- Labour Administration Recommendation, 1978 (No. 158)
- Labour Statistics Convention, 1985 (No. 160)
- Labour Statistics Recommendation, 1985 (No. 170)

4.3 Industrial relations

- Collective Agreements Recommendation, 1951 (No. 91)
- Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)
- Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)
- Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)
- Communications within the Undertaking Recommendation, 1967 (No. 129)
- Examination of Grievances Recommendation, 1967 (No. 130)

Instruments cutting across strategic objectives and specific categories of workers (related strategic objectives are in brackets)²**A. Indigenous and tribal peoples**

(1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

- Indigenous and Tribal Populations Convention, 1957 (No. 107)
- Indigenous and Tribal Populations Recommendation, 1957 (No. 104)
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- [*Recruiting of Indigenous Workers Convention, 1936 (No. 50)*]
- [*Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)*]
- [*Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)*]
- [*Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)*]
- [*Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)*]

B. Migrant workers

(1. FPRW; 2. Employment; 3B. Social protection – Labour protection)

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migration for Employment Recommendation (Revised), 1949 (No. 86)
- Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Migrant Workers Recommendation, 1975 (No. 151)
- [*Inspection of Emigrants Convention, 1926 (No. 21)*]

2. The relevant strategic objectives are mentioned as a reference. No specific classification is proposed for the time being for these instruments.

C. HIV and AIDS

- HIV and AIDS Recommendation, 2010 (No. 200)
 - (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

D. Non-Metropolitan Territories

- Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)
 - (1. FPRW; 3B. Social protection – Labour protection)

E. Seafarers

Consolidated Convention

- Maritime Labour Convention, 2006
 - (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

General provisions

- (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)
- *National Seamen's Codes Recommendation, 1920 (No. 9)
- *Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107)
- *Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
- *Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
- *Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155)
- Seafarers' Identity Documents Convention, 1958 (No. 108)
- Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

Protection of children and young persons

- (1. FPRW)
- *Minimum Age (Sea) Convention, 1920 (No. 7)
- *Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
- *Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
- *Protection of Young Seafarers Recommendation, 1976 (No. 153)

Skills

- (2. Employment)
- *Vocational Training (Seafarers) Recommendation, 1946 (No. 77)
- *Vocational Training (Seafarers) Recommendation, 1970 (No. 137)

Access to employment

- (2. Employment)
- *Placing of Seamen Convention, 1920 (No. 9)
- *Officers' Competency Certificates Convention, 1936 (No. 53)
- *Certification of Ships' Cooks Convention, 1946 (No. 69)
- *Certification of Able Seamen Convention, 1946 (No. 74)
- *Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139)

* Revised by the Maritime Labour Convention, 2006.

- * Recruitment and Placement of Seafarers Convention, 1996 (No. 179)
- * Recruitment and Placement of Seafarers Recommendation, 1996 (No. 186)

General conditions of employment

(3B. Social protection – Labour protection)

- * Seamen's Articles of Agreement Convention, 1926 (No. 22)
- * Repatriation of Seamen Convention, 1926 (No. 23)
- * Holidays with Pay (Sea) Convention, 1936 (No. 54)
- * Hours of Work and Manning (Sea) Convention, 1936 (No. 57)
- * Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49)
- * Paid Vacations (Seafarers) Convention, 1946 (No. 72)
- * Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)
- * Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
- * Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)
- * Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
- * Repatriation of Seafarers Convention (Revised), 1987 (No. 166)
- * Repatriation of Seafarers Recommendation, 1987 (No. 174)
- * Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)
- * Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187)
- [** Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)*]

Safety, health and welfare

(3B. Social protection – Labour protection)

- * Seamen's Welfare in Ports Recommendation, 1936 (No. 48)
- * Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
- * Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78)
- * Medical Examination (Seafarers) Convention, 1946 (No. 73)
- * Seafarers (Medical Care for Dependents) Recommendation, 1946 (No. 76)
- * Accommodation of Crews Convention, 1946 (No. 75)
- * Accommodation of Crews Convention (Revised), 1949 (No. 92)
- * Ships' Medicine Chests Recommendation, 1958 (No. 105)
- * Medical Advice at Sea Recommendation, 1958 (No. 106)
- * Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108)
- * Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
- * Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140)
- * Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141)
- * Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142)
- * Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
- * Seafarers' Welfare Recommendation, 1970 (No. 138)
- * Seafarers' Welfare Convention, 1987 (No. 163)
- * Seafarers' Welfare Recommendation, 1987 (No. 173)
- * Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)

* Revised by the Maritime Labour Convention, 2006.

Security of employment

(2. Employment)

- *Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
- *Continuity of Employment (Seafarers) Recommendation, 1976 (No. 154)

Social security

(3A. Social protection – Social security)

- *Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
- *Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10)
- *Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)
- *Sickness Insurance (Sea) Convention, 1936 (No. 56)
- *Social Security (Seafarers) Convention, 1946 (No. 70)
- Seafarers' Pensions Convention, 1946 (No. 71)
- *Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75)
- *Social Security (Seafarers) Convention (Revised), 1987 (No. 165)

Inspection

(4. Social dialogue)

- *Labour Inspection (Seafarers) Convention, 1996 (No. 178)
- *Labour Inspection (Seafarers) Recommendation, 1996 (No. 185)

F. Dockworkers

(2. Employment; 3B. Social protection – Labour protection)

- Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
- Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
- Protection against Accidents (Dockers) Reciprocity Recommendation, 1932 (No. 40)
- Dock Work Convention, 1973 (No. 137)
- Dock Work Recommendation, 1973 (No. 145)
- Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
- Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)
- [*Protection against Accidents (Dockers) Convention, 1929 (No. 28)*]

G. Fishers*Consolidated instruments*

- Work in Fishing Convention, 2007 (No. 188)
(1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)
- Work in Fishing Recommendation, 2007 (No. 199)
(1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

* Revised by the Maritime Labour Convention, 2006.

Other instruments concerning fishers

- (1. FPRW; 2. Employment; 3B. Social protection – Labour protection)
- ** Minimum Age (Fishermen) Convention, 1959 (No. 112)
 - ** Medical Examination (Fishermen) Convention, 1959 (No. 113)
 - ** Fishermen’s Articles of Agreement Convention, 1959 (No. 114)
 - Fishermen’s Competency Certificates Convention, 1966 (No. 125)
 - ** Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)
 - Vocational Training (Fishermen) Recommendation, 1966 (No. 126)

H. Other specific categories of workers

- Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8)
(3B. Social protection – Labour protection)
- Plantations Convention, 1958 (No. 110)
(1. FPRW; 2. Employment; 3B. Social protection – Labour protection;
4. Social dialogue)
- Protocol of 1982 to the Plantations Convention, 1958 (No. 110)
(1. FPRW; 3B. Social protection – Labour protection; 4. Social dialogue)
- Plantations Recommendation, 1958 (No. 110)
(1. FPRW; 2. Employment; 3. Social protection; 4. Social dialogue)
- Tenants and Share-croppers Recommendation, 1968 (No. 132)
(2. Employment; 3. Social protection; 4. Social dialogue)
- Nursing Personnel Convention, 1977 (No. 149)
(3B. Social protection – Labour protection)
- Nursing Personnel Recommendation, 1977 (No. 157)
(2. Employment; 3. Social protection; 4. Social dialogue)
- Older Workers Recommendation, 1980 (No. 162)
(1. FPRW; 2. Employment; 3. Social protection)
- Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
(1. FPRW; 3B. Social protection – Labour protection)
- Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179)
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- Home Work Convention, 1996 (No. 177)
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* Revised by the Maritime Labour Convention, 2006.

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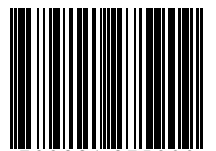
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