



## Governing Body

309th Session, Geneva, November 2010

GB.309/LILS/4

Committee on Legal Issues and International Labour Standards

LILS

**FOR DECISION**

FOURTH ITEM ON THE AGENDA

## Improvements in the standards-related activities of the ILO

### Overview

#### Issues covered

This document provides elements for a discussion within the Committee on the ILO's standards policy component that would complement the three other components of the standards strategy. It reflects the outcome of consultations held in February and March 2010 and contains specific proposals by the Office for a comprehensive approach to strengthen that policy. The paper also provides an update on the implementation of the interim Plan of Action concerning improvements in the ILO standards-related activities.

#### Policy implications

The outcome of the discussions could help to clarify and build consensus on promoting the ILO's standards policy as called for by the ILO Declaration on Social Justice for a Fair Globalization.

#### Financial implications

A resource gap as regards the technical cooperation programme has been identified and a request for financing has been submitted to the Bureau of Programming and Management and the Partnerships and Cooperation Development Department, in particular in the context of the Regular Budget Supplementary Account allocation.

#### Decision required

Paragraph 24(b).

#### References to other Governing Body documents and ILO instruments

GB.294/PV, GB.294/LILS/4, GB.300/PV, GB.300/LILS/6, GB.304/PV, GB.303/PV, GB.307/PV, GB.309/LILS/7, GB.306/PV, GB.306/LILS/4(Rev.).

ILO Declaration on Social Justice for a Fair Globalization, 2008.

Global Jobs Pact, 2009.

## Introduction

1. The question of improvements in the standards-related activities of the ILO has been regularly discussed over the past 15 years in the Committee on Legal Issues and International Labour Standards (LILS Committee). The discussion was given a new impetus in November 2005 with the adoption of the standards strategy,<sup>1</sup> and in November 2007 with the approval of an interim plan of action for the implementation of its four components.<sup>2</sup> The follow-up to the ILO Declaration on Social Justice for a Fair Globalization and the objectives of the Global Jobs Pact have been integrated into the interim plan of action. The technical cooperation and information and communication components of the standards strategy were defined in November 2007 and are in the implementation phase. Work is continuing on the finalization of the components of the standards strategy on standards policy and the supervisory system.
2. This paper provides an update on the development of the interim plan of action for the implementation of the standards strategy and the effect given to it since March 2010. Part I addresses the main issue in this respect, namely the follow-up to the consultations on standards policy that took place in February and March 2010.<sup>3</sup> Part II contains information on the progress made on the organization of a tripartite working group of experts on the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1983 (No. 166), in the context of the standards policy component of the standards strategy; and on the three other components of the strategy.

## Part I. Standards policy

### Follow-up to the ILO Declaration on Social Justice for a Fair Globalization

3. When it approved the interim plan of action for the implementation of the standards strategy in November 2007, the Governing Body decided that tripartite consultations should be held on the first component (standards policy) of the standards strategy. These consultations were to be held after the 97th Session of the International Labour Conference (ILC) in June 2008 so that account could be taken of the outcome of the discussion on strengthening the ILO's capacity to assist its Members' efforts to reach its objectives in the context of globalization, which resulted in the adoption of the ILO Declaration on Social Justice for a Fair Globalization.
4. The Declaration emphasizes the need to "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

<sup>1</sup> GB.294/PV, para. 222; and GB.294/LILS/4.

<sup>2</sup> GB.300/PV, para. 306; and GB.300/LILS/6. It will be recalled that the four components of the standards strategy are: developing, keeping up to date and promoting ILO standards (standards policy); enhancing the impact of and strengthening the supervisory system; improving the impact of the standards system through technical assistance and cooperation; and enhancing the visibility of the ILO standards system.

<sup>3</sup> As requested by the constituents, the question of the interpretation of international labour Conventions is still the subject of informal consultations.

Organization".<sup>4</sup> It reaffirms the central role of international labour standards as one of the most important means of action for the ILO to achieve its objectives.

5. The follow-up to the Declaration calls for the introduction of a scheme of recurrent discussions by the ILC so as to understand better the diverse realities and needs of its Members with respect to each of the strategic objectives; to respond more effectively to them using all the means of action at its disposal including standards-related action, technical cooperation and the technical and research capacity of the Office, and to adjust its priorities and programmes of action accordingly; and to assess the results of ILO activities with a view to informing programme, budget and other governance decisions.<sup>5</sup>
6. In March 2009, the Governing Body decided that the cycle of recurrent discussions would be seven years in length.<sup>6</sup> The first recurrent discussion took place in June 2010 and covered the strategic objective of employment. It will be followed in 2011 by a recurrent discussion on the strategic objective of social protection (social security), and in 2012 on the strategic objective of fundamental principles and rights at work. These three strategic objectives will be discussed twice during the cycle (the second discussion on social protection will cover labour protection), while social dialogue will be discussed once.
7. The General Surveys prepared by the Committee of Experts are acknowledged to be an important source of information on the law and practice of member States, from which recurrent reports should benefit. As a result, the subjects of General Surveys have already been aligned with those of the recurrent discussions on employment,<sup>7</sup> social security<sup>8</sup> and fundamental principles and rights at work,<sup>9</sup> resulting in a new generation of General Surveys. In June 2010, the General Survey concerning employment instruments prepared by the Committee of Experts was discussed by the Conference Committee on the Application of Standards, and the recurrent report on employment policies for social justice and a fair globalization by a technical committee of the Conference. Synergy was established between the two committees and their conclusions contain important elements for the promotion of the relevant standards.

### **Outcome of the consultations on standards policy, and the Office's proposals**

8. The tripartite consultations on standards policy began in March 2009. They continued in February 2010 through separate meetings with governments and the secretariats of the Employers' and Workers' groups, and in March 2010 with the tripartite members of the LILS Committee. A note on standards policy was prepared by the Office to assist in these consultations.<sup>10</sup> A summary of this note, and the outcome of the consultations, are

<sup>4</sup> ILO Declaration on Social Justice for a Fair Globalization, 2008, Preamble.

<sup>5</sup> *ibid.*, Annex, Part II(B).

<sup>6</sup> GB.304/PV, para. 183(b).

<sup>7</sup> GB.303/PV, para. 252.

<sup>8</sup> GB.304/PV, para. 211.

<sup>9</sup> GB.307/PV, para. 220.

<sup>10</sup> The Office's note submitted for the consultations on standards policy will be made available in the Governing Body room.

attached as Appendix I. Based on this outcome, the Office has formulated certain proposals which, as requested by the constituents, are submitted for discussion and guidance.

### **Proposals by the Office**

#### **Making the body of standards relevant to the world of work**

9. The consultations on standards policy had the positive outcome of enabling the constituents to develop a solid basis for proceeding with discussions in the LILS Committee. Consensus appeared to emerge on three important elements: first, the definition of the ILO standards policy; second, the guiding principles that could govern the discussions on the review of standards; and, third, the potential role of the LILS Committee to follow up on the standards-related aspects of the conclusions of recurrent discussions as appropriate.
10. With reference to the definition of the standards policy, there was a convergence of views that it refers to: the determination of the best means for keeping the body of ILO standards up to date; the identification of standards in need of revision; the identification of up-to-date standards, and their promotion; the determination of new subjects and approaches for standard setting; and the preparation and adoption of standards.
11. There was also a meeting of the minds during the consultations that the whole process of reviewing standards should take place under the aegis of the six guiding principles proposed in the Office's note (see below, Appendix I, paragraph 5).<sup>11</sup>
12. The view also appeared to be shared that the standards-related aspects of the conclusions of recurrent discussions and discussions of General Surveys could potentially provide a new framework for reviewing the status of ILO standards and identifying new standard-setting items.
13. Experience of the first three article 19 report forms for General Surveys as part of the recurrent discussions on the strategic objectives of employment, social protection (social security) and fundamental principles and rights at work has confirmed that General Surveys and recurrent reports cannot cover all the standards related to the strategic objective concerned. It has also been noted that few constituents reply to the question on gaps in the body of standards related to the strategic objective (in terms of the need for revision, consolidation or possible new subjects for the group of standards).
14. It is therefore clear that there is a need to supplement the analysis of standards in General Surveys and recurrent reports, as well as the results of the respective Conference discussions. Following the review of each strategic objective, the Organization should have a good idea of any gaps in standards that affect the protection afforded or their capacity to respond to the needs of the world of work. For each strategic objective, this exercise should offer a complete picture of the standards that are to be promoted, revised or consolidated and of the possible need for standards on new subjects. The question that arises is how this can best be achieved and what role the LILS Committee could play in this respect, including recommending that meetings of experts or other types of meetings be organized to help clarify specific issues.

<sup>11</sup> These guiding principles are based on those used by the Working Party on Policy regarding the Revision of Standards (the "Cartier Working Party"), those approved by the Governing Body for the preparation of the Maritime Labour Convention, 2006, and elements derived from the Declaration on Social Justice for a Fair Globalization, 2008.

- 15.** In view of the call made in the Declaration on Social Justice for a Fair Globalization for a comprehensive approach as regards the four strategic objectives, taking into account the linkages between them, the LILS Committee could play a useful supplementary role by holding discussions on the standards related to each strategic objective before or after the discussion by the Conference of a recurrent report (a working outline of a possible classification of standards by strategic objective is included in Appendix II). The approach sought would be different from that used by the Cartier Working Party, which was based on a case-by-case examination of the standards. The focus would be the instruments falling within a strategic objective. The LILS Committee would be able to choose the most appropriate mechanism to enable it to have a complete view of the instruments by strategic objective and the best means of promoting, revising or complementing them.
- 16.** Taking into account the outcome of the consultations, a discussion by the LILS Committee would include an examination of the status of the relevant standards adopted between 1985 and 2000. The list of instruments to be examined would not include those standards already reviewed in recent General Surveys,<sup>12</sup> the fundamental and governance Conventions with their accompanying Recommendations, and the maritime Conventions and Recommendations that have already been revised by the Maritime Labour Convention, 2006 (MLC, 2006) (see Appendix III, Part A). In cases where they are not covered by General Surveys, standards identified by the Cartier Working Party as being in need of revision and those with pending requests for information could also be dealt with by the LILS Committee (a list of the instruments concerned is included in Appendix III, Part B). In considering these instruments, the LILS Committee could identify those that could call for further review either by a working party or a meeting of experts or a study to be prepared by the Office or any other procedure that would best achieve the objective sought.
- 17.** As regards up-to-date standards, the Committee could also consider the possibility of recommending the convening of a specific meeting on an identified ILO Convention or Recommendation to discuss preparatory work being undertaken to ratify, implement or give effect to the ILO standard in question. A recent example is the Maritime Labour Convention, 2006, preparatory meeting held in September 2010.<sup>13</sup> Constituents may wish to consider the instruments that could be suitable for such tripartite meetings giving them an opportunity to provide information on the preparatory work being undertaken by them with a view to ratification, implementation or effect being given to the specific instruments and to share and seek advice on difficulties being encountered which impede ratification or implementation.
- 18.** The question arises as to which group of standards should be the first to be discussed under this new process. Should it be the instruments falling under the first strategic objective examined (employment), taking into account the elements above, should it be the instruments concerning one of the next two strategic objectives in respect of which decisions have already been made concerning the instruments to be examined in a General Survey by the Committee of Experts (social security in 2011 and the eight fundamental Conventions in 2012), or should it be the social dialogue strategic objective in respect of which the instruments have not yet been selected for a General Survey in 2013? A decision on the social dialogue instruments for the General Survey would have to be made by the Governing Body on the recommendation of the LILS Committee in March 2011.

<sup>12</sup> However, clearly, if any of the instruments reviewed in the General Survey after discussion in the Conference Committee on the Application of Standards called for further study of the instrument(s) they would have to be taken into account.

<sup>13</sup> See GB.309/LILS/7.

19. The objective sought is that, at the end of the process of reviewing standards relating to each strategic objective, the Governing Body would be in a position to take decisions on: the status of the instruments examined (listed in Appendix III, Part A); any specific action needed for the effective promotion of up-to-date standards and to follow up the conclusions of the Cartier Working Party (including pending action for standards listed in Appendix III, Part B); and possible gaps in standard setting in terms of revision, consolidation or standards on new subjects.
20. The advantage of the process outlined above is that it would allow for the use of the best approach that would contribute to reinvigorating and reinforcing the body of standards. A full discussion would be held on all the relevant standards for each strategic objective and their relevance to the world of work would be highlighted. Research on standards-related issues would become a permanent exercise and would be fully integrated with regular work on the promotion and application of standards. This would require cooperation with the Office of the Legal Adviser, full collaboration with technical departments, particularly as they are best placed for undertaking the required research work, as well as with the Bureaux for Employers' Activities and for Workers' Activities and the field structure. In this exercise, it would be important to ensure that the needs of constituents at the national level are taken into account. Tripartite consultations, including those provided for in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and its accompanying Recommendation No. 152, would be encouraged with the support of the standards specialists in the field.

#### Promoting standards through plans of action for up-to-date standards and individual follow-up for revised Conventions

21. It emerged from the consultations that the Office should continue to develop plans of action involving technical assistance to help governments reduce gaps in the implementation of standards and enable them to ratify Conventions identified by the Governing Body. A plan of action on occupational safety and health was approved by the Governing Body in March 2010 and has been published. The plan of action for the governance Conventions approved by the Governing Body in November 2009 will be published soon. A plan of action to improve the conditions of work of fishers through the widespread ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188), and the effect given to the Work in Fishing Recommendation, 2007 (No. 199), is attached for discussion and approval by the Committee (see Appendix IV). With regard to fundamental principles and rights at work, it is necessary to await the outcome of the recurrent discussion at the ILC in 2012, as the Conference may adopt a plan of action to consolidate and update the separate action plans endorsed in the framework of the Global Report discussions under the Declaration on Fundamental Principles and Rights at Work, 1998.
22. Further to certain suggestions made during the consultations, the Office is exploring the possibility of developing, in cooperation with the technical departments concerned, a plan of action on standards that support the economic and jobs recovery and reduce gender inequality, as indicated in the Global Jobs Pact,<sup>14</sup> bearing in mind that some of the relevant

<sup>14</sup> ILO: *Recovering from the crisis: A Global Jobs Pact*, ILC, 98th Session, Geneva, 2009, para. 9(7). In the framework of the follow-up to the Global Jobs Pact and the conclusions concerning the Recurrent Discussion on Employment adopted in June 2010, NORMES has commissioned a first comparative study on how international labour standards apply in the context of the current economic crisis. Based on a mapping of legislative measures taken or envisaged in response to the crisis in a representative sample of countries, the study will analyse the relationship of the legislative measures to the relevant ILO standards listed in the Global Jobs Pact (para. 14). The standards in question include the eight fundamental ILO Conventions as well as those

standards are already covered by other plans of action. In addition, the overall process of reviewing standards described above would provide an opportunity to highlight those that could usefully benefit from such plans of action. Owing to uncertainty about the outcome of the action taken to mobilize resources, the Office is adopting a step-by-step approach to the implementation of such plans of action and is proposing to start with a few countries in various regions as pilot countries (see paragraph 31 below). Technical departments, the field structure and the International Training Centre of the ILO in (Turin Centre) will be fully involved.

23. In reply to requests by various participants during the consultations for information on revised Conventions and the conclusions of the Cartier Working Party in general, the International Labour Standards Department (NORMES) has posted on its website the last Information Note on this subject.<sup>15</sup> Full information on the situation of each country with regard to the ratification of Conventions, including up-to-date or revised Conventions, is also available on the NORMES website.<sup>16</sup> As suggested by the Workers' group, a letter will be sent to the governments concerned to remind them of the relevant conclusions of the Cartier Working Party, giving priority to the promotion of up-to-date Conventions. Standards specialists in the field will be invited to promote the general use of Convention No. 144 and Recommendation No. 152 to review the situation at the national level in light of the conclusions of the Cartier Working Party and to follow up this question. In line with the Declaration on Social Justice for a Fair Globalization, member States will be encouraged to review their situation with regard to the ratification and implementation of ILO instruments with a view to achieving progressively increasing coverage of each of the strategic objectives, with special emphasis on the instruments classified as core labour standards and those regarded as most significant from the viewpoint of governance. The Office will continue to ensure that national tripartite constituents are aware of and take into account the conclusions of the Cartier Working Party when they are developing or updating Decent Work Country Programmes.

24. *The Committee may wish to:*

- (a) *discuss the proposals outlined in paragraphs 9–23 above and provide the Office with guidance on the next steps to be taken with a view to finalizing the standards policy component of the interim plan of action for the implementation of the standards strategy; and*
- (b) *recommend that the Governing Body approve the Action Plan (2011–16) to improve conditions of work of fishers through widespread ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188), and the effect given to the Work in Fishing Recommendation, 2007 (No. 199) (see Appendix IV).*

concerning employment policy, wages, social security, the employment relationship, the termination of employment, labour administration and inspection, migrant workers, labour conditions on public contracts, occupational safety and health, working hours and social dialogue mechanisms.

<sup>15</sup> See [www.ilo.org/global/What\\_we\\_do/InternationalLabourStandards/ILSpolicy/lang--en/index.htm](http://www.ilo.org/global/What_we_do/InternationalLabourStandards/ILSpolicy/lang--en/index.htm).

<sup>16</sup> See [www.ilo.org/dyn/natlex/countryprofiles.home](http://www.ilo.org/dyn/natlex/countryprofiles.home).

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## **Part II. Progress report on the interim plan of action**

### **Tripartite meeting of experts on the termination of employment instruments**

25. It may be recalled that in November 2009 the Governing Body approved the convening of a tripartite working group of experts to examine the Termination of Employment Convention, 1982 (No. 158), and its accompanying Recommendation (No. 166).<sup>17</sup> A three-day meeting to be held from 18 to 21 April 2011 has been scheduled, subject to the approval of the Officers of the Governing Body. The meeting will be attended by six representatives of Employers and six representatives of Workers, nominated after consultation with the Employers' and Workers' groups of the Governing Body, and six representatives of Governments nominated by the Government group of the Governing Body.
26. The purpose of the tripartite working group of experts will be to examine Convention No. 158 and Recommendation No. 166 and identify obstacles to ratification and implementation and other relevant current trends in law and practice. Based on the outcome of the meeting, the Office will prepare proposals for consideration by the Governing Body.

### **Streamlining of the sending and processing of information and reports**

27. In November 2009, the Governing Body decided that Conventions should be grouped by strategic objective for reporting purposes. The understanding was that such a classification could constitute a basis for the choice of instruments to be examined in General Surveys. It should also, to a certain extent, facilitate the use in General Surveys of the information on the application of ratified Conventions contained in article 22 reports, with the caveat that this information could not be collected in one year, but over two or three years, because of the large number of Conventions and/or ratifications concerned. In addition, the classification could contribute to a better integration of international labour standards in all ILO activities. The Governing Body also decided that the article 22 reporting cycle should be extended from two to three years for fundamental and governance Conventions, and that the five-year cycle should be maintained for the other Conventions.<sup>18</sup>
28. As indicated in paragraph 32 below, NORMES is in the process of major technical changes in relation to its databases. To guarantee the best results, it will be necessary to wait until the new system becomes operational before introducing these changes. Accordingly, the new reporting cycle cannot begin before 2012. In the meantime, the Office has prepared a working outline on a possible classification of standards by strategic objective that the LILS Committee may wish to discuss (see Appendix II).<sup>19</sup> As explained in the paper submitted in November 2009, one of the difficulties in this respect concerns the

<sup>17</sup> GB.306/PV, para. 206(b).

<sup>18</sup> GB.306/PV, para. 206(e); and GB.306/LILS/4(Rev.), para. 34, Option 2.

<sup>19</sup> The two consolidated Conventions, the Maritime Labour Convention, 2006, and the Work in Fishing Convention, 2007 (No. 188), which relate to the four strategic objectives and have not yet entered into force, have not been classified at present.



classification of the Conventions on specific categories of workers, and some other standards which deal with more than one strategic objective. It is proposed to attach these instruments, albeit only for reporting purposes, to the main strategic objective to which they most closely relate, it being understood that the Committee of Experts will continue to review the application of all the provisions of these Conventions at the same time, even though some may cross-cut with strategic objectives being reported on in other years. On the basis of this classification, a possible new cycle will be prepared for article 22 reporting, in accordance with the decisions of the Governing Body.

## **Review of report forms**

- 29.** The review of the article 22 report forms is an important element of the interim plan of action for the implementation of the standards strategy. It began with the examination of the report forms for the fundamental Conventions in November 2009 and was conducted in consultation with the Committee of Experts. The review resulted in some modifications to the report form on the Forced Labour Convention, 1930 (No. 29), which were adopted by the Governing Body in March 2010. As agreed at the 307th Session (March 2010) of the Governing Body, the next review will be on the report forms for the occupational safety and health Conventions. The review will also be undertaken in consultation with the Committee of Experts and will be submitted to the Governing Body in March 2011.

## **A technical cooperation programme**

- 30.** The major technical cooperation programme developed by NORMES constitutes the framework for the various plans of action (see paragraphs 21 and 22 above) that have been developed or implemented to promote the ratification and implementation of targeted standards. The goals of this long-term programme are to: strengthen the capacity of ILO constituents in 25 countries to ratify and implement international labour standards effectively, in accordance with the Governing Body's decisions and the comments of the supervisory bodies; include and mainstream international labour standards in national and international programming processes, including the human rights-based approach and the Common Country Assessments–United Nations Development Assistance Frameworks (CCA–UNDAFs) programming mechanisms; facilitate the sharing of experience, lessons learned and good practices for the implementation of labour standards; and provide access to high-quality information resources and online reporting on international labour standards and their implementation.
- 31.** A Coordinator for Technical Cooperation is now in charge of steps to create the framework within which the proposed technical cooperation programme and its action plans will function. The Coordinator will act as the interface between NORMES and the relevant units at headquarters and in the field, and particularly the standards specialists in the regions, with a view to ensuring the increased integration of standards throughout the Office's work, as well as the mainstreaming of international labour standards in national and inter-agency programming processes, as mentioned above. As no resources have yet been received, the programme needs to be further restructured to allow its implementation through incremental steps. The Committee is invited to identify criteria for the selection of an initial group of countries for intensified cooperation. Elements of such criteria could include: the number of ratified fundamental, governance and other up-to-date Conventions; declarations of intent to ratify these Conventions; requests for assistance for the ratification of these Conventions; requests for assistance for their application, when they have been ratified; and the nature of the gaps in implementation in law and practice identified by the

ILO's supervisory bodies.<sup>20</sup> It is proposed to begin with two countries per region. Countries will be asked to express an interest in receiving such assistance, unless they have already done so. The field structure will be closely involved in the preparation and execution of activities in individual countries. A clearer delimitation of the programme's individual components, in cooperation with PARDEV and PROGRAM, will facilitate funding. Technical departments and the Turin Centre will have a considerable role to play in the implementation of the programme.

## **Enhanced access to the standards system and broader visibility**

### ***Brief update on the NORMES database unification project and the upcoming online reporting system***

32. The first phase of the NORMES database unification project and the subsequent development of an online reporting system, the primary objective of which is to facilitate and streamline the reporting burden on governments, was launched in August 2009 and completed at the end of December 2009. The first phase focused on the unification of the four NORMES databases (APPLIS, ILOLEX, LIBSYND and NATLEX) and the design of a unified data model. The second and third phases of the project were approved by the ILO's Information Technology Application Advisory Board (ITAAB) during the first part of 2010 and funding for these phases was secured for 2010 and 2011. The second phase, which is currently under way, includes the specifications for the unified application and the migration of the data contained in three of the current NORMES databases, while the third phase will focus on the development of a comprehensive online reporting system. It should be recalled that the project also represents an opportunity to improve and streamline certain business processes in the management of NORMES standards-related activities. The new technology should provide the technical solutions to achieve such streamlining. After testing several versions of the new application, the whole project with its final releases should be completed during the last half of 2011.

### ***Reaching the ILO's tripartite constituents and the broader public***

33. NORMES has pursued its strategy of reaching the widest possible audience through the dissemination of information on standards. The 2010 report of the Conference Committee on the Application of Standards has once again been published separately from the traditional *Record of Proceedings* of the Conference, as has been the case since 2007. NORMES has also produced the 2010 version of its annual International Labour Standards Electronic Library (ILSE), which includes the latest General Survey on employment instruments, the 2010 version of the Application of International Labour Standards CD-ROM and the 2010 Electronic Library on Freedom of Association and Collective Bargaining. NORMES, jointly with SAFEWORK, has also recently published a Plan of Action (2010–16) to achieve widespread ratification and effective implementation of the occupational safety and health instruments. A communication strategy for the MLC, 2006, has been launched by NORMES and the Sectoral Activities Department (SECTOR) in cooperation with DCOMM and the Turin Centre based on the theme of communication,

<sup>20</sup> The Committee of Experts on the Application of Conventions and Recommendations identifies every year a list of countries that could benefit from technical assistance from the Office. The Conference Committee on the Application of Standards and the Committee on Freedom of Association also regularly request countries to avail themselves of ILO technical assistance.

promotion and advocacy of the Convention. The objective is to promote and intensify ratification of the MLC, 2006, and its implementation by member States. This strategy will be extended to other ILO standards in respect of which action plans have been adopted.

- 34. *The Committee may wish to take note of the information and discuss the issues contained in paragraphs 25–33 and to provide the Office with guidance, in particular as regards the proposed classification of standards by strategic objective contained in Appendix II.***

Geneva, 22 October 2010

*Point for decision:* Paragraph 24(b)

## Appendix I

### Tripartite consultations on standards policy

(17 March 2010)

#### *I. Summary of the Office's note on standards policy*

1. The Office's note recalled in particular that it has always been a principal concern of the ILO to ensure the existence of a robust body of standards that is responsive to the needs of the world of work, widely ratified and effectively implemented and enforced. It defined ILO standards policy as referring, inter alia, to the determination of the best means for keeping the body of ILO standards up to date; the identification of standards in need of revision; the identification of up-to-date standards, and their promotion; the determination of new subjects and approaches for standard setting; and the preparation and adoption of standards.
2. The note contained a brief overview of the important standards policy discussions over the past 20 years. It reviewed the different means and approaches that have been used to keep the body of ILO standards up to date and the opportunity now offered by the Declaration on Social Justice for a Fair Globalization. It outlined a number of specific proposals regarding the follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards (the "Cartier Working Party") and possible ways forward to achieve a new tripartite consensus on standards policy. The note concluded that there was a need for ongoing follow-up to the conclusions of the Cartier Working Party and action to continue keeping the body of standards up to date.
3. The note referred to the new opportunity to recast the ILO's approach to its standards policy strategy. This is based on the linkage of the subjects of General Surveys with those of recurrent reports and the consequent synergies created between the two discussions at the ILC. However, it also noted the limitation constituted by the fact that such discussions will only focus on the Conventions covered by the respective reports.
4. A possible solution would be for the LILS Committee and the Governing Body to undertake a broader review of the instruments falling within the strategic objective under discussion. For this purpose, greater use could be made of the revision provision in the final clauses of ILO Conventions, which allows the Governing Body, at such times as it may consider necessary, to present to the General Conference a report on the working of a Convention to examine the desirability of placing on the agenda of the ILC the question of its revision in whole or in part. The Office proposed that the LILS Committee could determine which international labour standards should be examined, with the exclusion of the standards already reviewed in recent General Surveys, the fundamental and governance Conventions with their accompanying Recommendations, and the maritime Conventions and Recommendations, which have already been revised by the MLC, 2006. As the Cartier Working Party did not include standards adopted since 1985, the review could cover standards adopted between 1985 and 2000.
5. The note proposed six principles by which such a review could be guided. First, as for the Cartier Working Party, proposals should not have the effect of reducing the protection already afforded to workers by ratified Conventions. Second, the capital consisting of existing rights, updated where necessary, should be faithfully preserved without prejudice to the need for innovation. Third, decisions should be responsive and relevant to the needs of the world of work. Fourth, the approach should be holistic, taking into account for each strategic objective the need for standards on new items, the need for the revision of existing standards, and the need to promote standards and provide technical assistance to assist in their ratification and effective implementation. Fifth, decisions should be based on in-depth analyses, and, sixth, such decisions should be adopted by consensus.

6. At the end of the seven-year cycle of recurrent discussions, the Organization would have reviewed all of its most relevant instruments. This would give the LILS Committee all the necessary indications on the status of the relevant Conventions and on gaps in standard setting by strategic objective. This review could contribute to the process of identifying instruments that are in need of revision, and those that should be promoted, as well as helping to identify new items for standard setting. This would in turn offer the potential to make standards policy an integral part of a comprehensive policy by the ILO as a whole in pursuit of its objectives. In addition to NORMES, the review should therefore involve the technical departments and the field structure.
7. On this basis, the note proposed that the discussions should focus on: (a) a possible mechanism to keep the body of international labour standards up to date, including the possibility for the outcome of the ILC discussions on the General Survey, aligned with the subjects of recurrent reports as a follow-up to the Declaration on Social Justice for a Fair Globalization, to provide the new framework for reviewing the status of ILO Conventions and possible future standard-setting action that could result; and (b) the question of whether the LILS Committee should ensure the follow-up action to the conclusions reached at the ILC, taking into account other instruments falling within the strategic objective adopted between 1985 and 2000, with the exceptions outlined in paragraph 4 above.
8. With regard to the promotion of Conventions, the note recalled that the Cartier Working Party had adopted two types of conclusions, which had been endorsed by the Governing Body. The Cartier Working Party had invited all member States to examine the possibility of ratifying up-to-date Conventions. At the same time, it had invited member States which are parties to Conventions which have been revised (or, in certain cases, replaced by more recent Conventions) to examine the possibility of ratifying the more recent Convention on the relevant subject while denouncing the old Convention. The note emphasized that promotion should now be aimed at both ratification and effective implementation. It recalled that, since 1995, the fundamental Conventions had benefited from a very successful promotional campaign. As a follow-up to the Declaration on Social Justice for a Fair Globalization, another campaign has been launched for the four governance Conventions: the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). A plan of action for the ratification and effective implementation of these standards has been approved by the Governing Body.<sup>1</sup>
9. The note outlined a number of elements in this respect. The first is the need to continue developing plans of action and mobilizing resources for their implementation, with the involvement of the Office as a whole (including the field structure), the Turin Centre and the tripartite constituents. The second concerns the importance of following up the Global Jobs Pact at the national level to promote the ratification and implementation of standards that are most relevant to the response to the crisis.<sup>2</sup> The third consists of a possible country-based approach to establishing national priorities in consultation with the tripartite constituents for up-to-date Conventions that are not yet covered by a plan of action, the ratification of revised Conventions and the denunciation of the oldest Conventions.<sup>3</sup>

<sup>1</sup> GB.306/PV, para. 208(b).

<sup>2</sup> ILO: *Recovering from the crisis: A Global Jobs Pact*, Geneva, 2009, paras 9(7) and 14.

<sup>3</sup> It was emphasized that such an exercise has many advantages: at the national level, in addition to reducing, for many countries, the number of reports requested, it should enable the body of standards in force in each country to be rationalized and updated, and would help with updating legislation. For the Organization, it should concentrate efforts on the most modern standards and reduce the number of Conventions for which follow-up has to be ensured, thereby rationalizing the workload.

Consultation processes at the national level and those provided for in Convention No. 144 and its accompanying Recommendation No. 152 offer an excellent opportunity to review the situation at the national level in light of the conclusions of the Cartier Working Party. National tripartite discussions on Decent Work Country Programmes also offer opportunities for the inclusion of appropriate standards in order to ensure adequate coverage of the up-to-date standards relating to the four strategic objectives.

10. The note proposed that discussions should focus on: whether account should be taken of standards in need of revision in the recurrent discussions at the ILC and in General Surveys; and whether account should be taken of standards on which further information is requested in the context of General Surveys by strategic objective, or whether such information should be requested separately by the Governing Body.

## **II. Outcome of the tripartite consultations**

### **A. A possible mechanism to keep the body of standards up to date**

11. The participants in the consultations generally agreed that the ILC discussions of recurrent reports and the discussion of General Surveys in the Conference Committee on the Application of Standards should provide the new framework for reviewing the status of ILO standards and identifying possible new standard-setting items. At the same time, the limitations of this approach were recognized, as General Surveys and recurrent reports do not cover all the standards relating to a strategic objective.
12. To overcome this limitation, as indicated above, the Office proposed a review by the LILS Committee as a follow-up to the ILC discussions, covering other instruments related to the strategic objective concerned, subject to certain criteria. The Employers' group was in favour of a review mechanism working on a permanent basis and agreed that the LILS Committee should be in charge of this task, starting with the standards that had not been examined by the Cartier Working Party. The Government representatives agreed that the LILS Committee should ensure any necessary follow-up action to the standards-related conclusions of ILC discussions. The Workers' group indicated that the first responsibility for follow-up action lay with the Governing Body in order to ensure an integrated approach in any plans of action arising from ILC discussions. The Governing Body could of course entrust responsibility for follow-up on a number of specific issues to the LILS Committee, but it was important to avoid the creation of another body similar to the Cartier Working Party. The Workers' group proposed the holding of a meeting of experts prior to the discussion of a recurrent item to explore a particular set of standards, possibly based on the criteria set out in paragraph 5 above. The representative of the Government of Austria mentioned the possibility of examining Conventions in respect of which there was no shared opinion, such as those on working time. The representative of the Government of France hoped that the recurrent discussions would serve to identify Conventions that could be consolidated.

### **B. Follow-up to the conclusions of the Cartier Working Party**

#### *Promotion of up-to-date and revised Conventions*

13. Most of the participants in the consultations voiced support for the development by the Office of plans of action for up-to-date standards identified by the Governing Body. The Employers' group supported the promotion of useful standards as important tools for achieving progress on various important labour issues, with particular reference to the promotion of the fundamental and priority Conventions and the occupational safety and health Conventions. The Workers' group emphasized the need to develop a strategy, in close collaboration between NORMES and the technical departments, to ensure that the implementation of the Global Jobs Pact included action to promote the ratification and

implementation of the standards identified as being the most relevant to dealing with the crisis. The representative of the Government of Nigeria, on behalf of the Africa group, expressed support for promotional activities involving plans of action that included technical cooperation and technical assistance for standards that were particularly relevant, for example to the Global Jobs Pact.

14. With regard to the promotion of revised Conventions, the participants also expressed general support for a country-based approach to encourage member States to ratify the most recent Conventions, while denouncing the oldest ones on the same subject. The Workers' group asked for detailed information in this respect and considered that an effective means of action would consist of sending letters to individual governments or taking action through the Decent Work Country Programmes, which should systematically include standards. This information would also be useful for the social partners by making use of Convention No. 144 at the national level. A number of the instruments classified as up to date by the Cartier Working Party should be selected and given priority. Closer collaboration would also be required between NORMES and technical departments. The representative of the Government of Nigeria, on behalf of the Africa group, emphasized the need to publicize the outcome of the Cartier Working Party. The representative of the Government of the Bolivarian Republic of Venezuela, on behalf of the Group of Latin American and Caribbean Countries (GRULAC), considered that such a call was relevant provided that it reflected the interests of governments and the social partners at the national level.

*Instruments in need of revision and pending requests for information*

15. With regard to the possibility that standards in need of revision could be taken into account in recurrent discussions and discussions of General Surveys, the Workers' group was of the view that it was more appropriate for the Governing Body to follow up the recommendations made by the Cartier Working Party. They considered that it might not be wise to use General Surveys for this purpose, as fewer instruments might be covered. With reference to the issue of whether standards requiring further information should be taken into account in the context of General Surveys undertaken by strategic objective, or whether such information should be requested separately by the Governing Body, the Workers' group indicated that it would be necessary to identify more precisely the instruments concerned and the respective strategic objective. On this basis, a combination might be used of coverage by General Surveys and consideration by the Governing Body. The representative of the Government of Austria was also in favour of taking into account, in the corresponding General Surveys, standards on which further information had been requested, and considered that it should also be possible, outside the recurrent discussions, to ask for more information on such standards, for example in the context of expert meetings.

## Appendix II

### **A working outline on a possible classification of international labour standards by strategic objective** (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 (agriculture, non-metropolitan territories)*

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

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

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)

###### *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 administration*

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

Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)

Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)

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)

Workers' Representatives Convention, 1971 (No. 135)

Workers' Representatives Recommendation, 1971 (No. 143)

**Instruments cutting across strategic objectives** (related strategic objectives are in brackets – the strategic objective that seems to be the most relevant is in bold)

**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)]*

**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. 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)

\* Revised by the Maritime Labour Convention, 2006.



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)

\* 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)]*

\* Revised by the Maritime Labour Convention, 2006.

*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 Dependants) 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)

*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)

*Inspections (4. Social dialogue)*

- \* Labour Inspection (Seafarers) Convention, 1996 (No. 178)
- Labour Inspection (Seafarers) Recommendation, 1996 (No. 185)

- \* Revised by the Maritime Labour Convention, 2006.

**E. Dockworkers (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)]*

**F. Fishermen**

*Consolidated Convention*

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)

*Other instruments concerning fishermen (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)

**G. Other specific categories of workers**

Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8) (3B. Social protection – Labour protection)  
Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83) (1. FPRW; 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)

\* Revised by the Work in Fishing Convention, 2007 (No. 188).

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) (1. FPRW; 3B. Social protection – Labour protection)

Home Work Convention, 1996 (No. 177) (1. FPRW – Equality of treatment; 2. Employment; **3B. Social protection – Labour protection**)

Home Work Recommendation, 1996 (No. 184) (1. FPRW; 3. Social protection)

## Appendix III

### Possible list of standards by subject <sup>1</sup> to be examined by the LILS Committee

#### A. *Up-to-date standards*

This list includes standards adopted between 1985 and 2000, currently classified as up to date, with the exception of the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Worst Forms of Child Labour Recommendation, 1999 (No. 190), standards that have already been reviewed in the recent General Surveys, and the maritime Conventions and Recommendations that have already been revised by the MLC, 2006.

#### Labour administration

Labour Statistics Convention, 1985 (No. 160)  
Labour Statistics Recommendation, 1985 (No. 170)

#### Wages

Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)  
Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992 (No. 180)

#### Working time

##### *Hours of work, weekly rest and paid leave*

Part-Time Work Convention, 1994 (No. 175)  
Part-Time Work Recommendation, 1994 (No. 182)

##### *Night work*

Night Work Convention, 1990 (No. 171)  
Night Work Recommendation, 1990 (No. 178)  
Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89)

#### Occupational safety and health

##### *General provisions*

Occupational Health Services Convention, 1985 (No. 161)  
Occupational Health Services Recommendation, 1985 (No. 171)

##### *Protection against specific risks*

Asbestos Convention, 1986 (No. 162)  
Asbestos Recommendation, 1986 (No. 172)  
Chemicals Convention, 1990 (No. 170)  
Chemicals Recommendation, 1990 (No. 177)

<sup>1</sup> This classification by subject corresponds to the current classification of standards (see [www.ilo.org/ilolex/english/subjectE.htm](http://www.ilo.org/ilolex/english/subjectE.htm)).

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*Protection in specific branches of activity*

- 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)

*Maternity protection*

- Maternity Protection Convention, 2000 (No. 183)
- Maternity Protection Recommendation, 2000 (No. 191)

*Indigenous and tribal peoples*

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

*Specific categories of workers*

- Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
- Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179)
- Home Work Convention, 1996 (No. 177)
- Home Work Recommendation, 1996 (No. 184)

***B. Standards for which there is a pending request for information or classified as in need of revision, according to the conclusions of the Cartier Working Party***

*Industrial relations**Request for information*

- Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)
- Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)
- Communications within the Undertaking Recommendation, 1967 (No. 129)
- Examination of Grievances Recommendation, 1967 (No. 130)

*Protection of children and young persons**Instruments to be revised*

- Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
- 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)
- Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14)

Employment policy and promotion

*Request for information*

Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)

Working time

*Hours of work, weekly rest and paid leave*

*Instruments to be revised*

Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)

Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161)

*Night work*

*Request for information*

Night Work of Women (Agriculture) Recommendation, 1921 (No. 13)

Occupational safety and health

*Protection against specific risks*

*Instruments to be revised*

White Lead (Painting) Convention, 1921 (No. 13)

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)

Anthrax Prevention Recommendation, 1919 (No. 3)

Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4)

White Phosphorus Recommendation, 1919 (No. 6)

Social policy

*Request for information*

Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)

Migrant workers

*Request for information*

Migration Statistics Recommendation, 1922 (No. 19)

Dockworkers

*Instrument to be revised*

Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)

Specific categories of workers

*Request for information*

Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)

Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8)



## Appendix IV

### **Action Plan (2011–16) to improve the conditions of work of fishers through the widespread ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188), and the effect given to the Work in Fishing Recommendation, 2007 (No. 199)**

#### ***Programme outline***

Title	Action Plan to improve the conditions of work of fishers through the widespread ratification and effective implementation of the Work in Fishing Convention 2007 (No. 188), and the effect given to the Work in Fishing Recommendation, 2007 (No. 199).
Purpose	To set out for the Governing Body, for member States (including States that may wish to ratify the Convention and States and others that may wish to assist the ILO to promote the Convention), and for the ILO's social partners and others, what the Office plans to do within the next five years (subject to available internal and external resources) to achieve widespread ratification and implementation of Convention No. 188, taking into account Recommendation No. 199.
Geographic coverage	Global (all ILO member States with a fishing interest).
Counterparts	Collaboration between ILO headquarters and field units, the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP), the Labour Administration and Inspection Programme (LAB/ADMIN), the Programme on Safety and Health at Work and the Environment (SafeWork), the International Programme on the Elimination of Child Labour (IPEC), the Social Security Department (SEC/SOC), the Social Dialogue Sector and the Turin Centre. In partnership with interested government ministries and agencies, the Food and Agriculture Organization of the United Nations (FAO), International Maritime Organization (IMO) and the European Union, as well as the International Organisation of Employers (IOE), International Trade Union Confederation (ITUC), International Transport Workers' Federation (ITF) and International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), and in cooperation with other intergovernmental and non-governmental organizations, as appropriate.
Duration	Five years (2011–16)
Starting date	1 January 2011
ILO units responsible	SECTOR and NORMES, in collaboration with ILO field offices and the Turin Centre.

## I. Background and justification

### The fishing sector – The reasons for ILO action

1. More than 30 million people work part time and full time as fishers. It has been estimated that, for each person employed in capture fisheries, there are about four jobs produced in the secondary activities, including post-harvest. Furthermore, each worker on average provides for three dependants or family members. Thus, fishing and those supplying services and goods to them assure the livelihoods of a total of several hundred million people.<sup>1</sup>
2. Work in the fishing sector has many characteristics that set it apart from work in other sectors:
  - The harvesting of fish, and other marine resources, takes place in the often-challenging marine environment. The rate of accidents and event fatalities can be quite high. In many countries, fishing is considered to be the most hazardous occupation.
  - Fishing has long traditions. One of these, found throughout the world, is that of paying fishers on the basis of a share of the catch, which means that fishers are often considered to be “self-employed”.
  - Fishers and their families often live in remote communities that offer only limited alternatives for employment and are far away from regulatory oversight.
  - Increased globalization of fishing has meant increased complexity in working relationships. The State of registration of the vessel, location of the fishing vessel owner, country of residence of the fisher, and area of operation of the vessel may all be different.
  - Many fishers are under economic pressure due to overfishing.
3. The above and other factors call for special considerations for the labour protection of fishers. Yet, in many countries, fishers seem to fall through gaps in the system of laws, regulations and other measures that protect other workers, or may be covered by legislation that does not sufficiently reflect the realities of their work. This may create a “decent work” deficit.
4. In line with its objective of providing decent work for all, the ILO is seeking to reduce this deficit.

### Background

5. The ILO’s first international labour standard for the fishing sector was adopted in 1920. Additional standards were adopted in 1959 and 1966.
6. In 2002 the Governing Body, seeing the need to update these instruments, decided to place on the agenda of the ILC an item concerning a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector.<sup>2</sup> Though many fishers in the past had received protection through other ILO maritime standards aimed at seafarers on merchant ships (standards that applied, or could be applied, to fishing), it had been decided that the new consolidated Convention concerning working and living conditions of seafarers (MLC, 2006), would exclude fishing vessels and fishers from its

<sup>1</sup> FAO: *The state of world fisheries and aquaculture, 2008*, Rome, 2009, p. 26. If aquaculture and its secondary activities and dependants are included, it is estimated that over 500 million directly or indirectly depend on fisheries and aquaculture for their livelihoods.

<sup>2</sup> GB.283/2/1, para. 21(b).

scope. This created a sense of urgency to adopt a new comprehensive standard for the fishing sector, a standard that would also reflect the often unique characteristics of commercial fishing.

7. After discussing this issue at three sessions, the 96th Session of the ILC in 2007 adopted by an overwhelming majority the Work in Fishing Convention, 2007 (No. 188),<sup>3</sup> and its accompanying Work in Fishing Recommendation, 2007 (No. 199).<sup>4</sup>
8. Convention No. 188 provides a global labour standard that is relevant to all fishers, whether on large vessels on the high seas and on international voyages or in smaller boats operating in coastal waters close to shore. Recommendation No. 199 provides guidance to States on the implementation of the provisions of the Convention.
9. The Convention aims at ensuring 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”.<sup>5</sup> It principally targets flag States (States whose vessels fly their national flag) but also provides for inspection of foreign vessels by port States.
10. The tripartite drafters of the Convention recognized that its application might raise special problems of a substantial nature in light of the particular conditions of service of some fishers or fishing vessel operations. They also acknowledged that some States might face such problems due to insufficiently developed infrastructure or institutions. The Convention therefore provides States with some flexibility in the form of possible exclusions of limited categories of fishers and vessels, and progressive implementation of certain provisions while they commit, over time, to improving conditions of all fishers.
11. The Convention stresses the importance of social dialogue and tripartite consultation. Many provisions can only be implemented following “consultation” with representative employers’ and workers’ organizations (in particular, representative organizations of fishing vessel owners and fishers).
12. Convention No. 188 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). It also covers other important questions such as health and safety at work, assignment and hours of rest, crew list, repatriation, recruitment and placement, and social security. The old Conventions will continue to be binding for countries that have ratified them until they ratify the new Convention and it enters into force.
13. The Convention will enter into force one year after it has been ratified by ten member States (including eight coastal States) and will be legally binding for member States that choose to ratify it. Wide ratification is supported by representative organizations of employers and of fishing vessel owners and by representative organizations of workers and of fishers, as well as other professional organizations in the sector.
14. When the ILC adopted Convention No. 188 and Recommendation No. 199 it also adopted four resolutions intended to support the promotion, ratification and effective implementation of the Convention and the improvement of decent work in the fishing sector. These resolutions have helped the Office to determine priorities in its follow-up activities.

<sup>3</sup> See [www.ilo.org/public/english/dialogue/sector/papers/maritime/c188.pdf](http://www.ilo.org/public/english/dialogue/sector/papers/maritime/c188.pdf).

<sup>4</sup> See [www.ilo.org/public/english/dialogue/sector/papers/maritime/r199.pdf](http://www.ilo.org/public/english/dialogue/sector/papers/maritime/r199.pdf).

<sup>5</sup> Convention No. 188, Preamble.

15. The **resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007 (No. 188)**, invited the Governing Body to request the Director-General “to give due priority to conducting tripartite work to develop guidelines for flag State implementation and to develop guidelines to establish national action plans for progressive implementation of relevant provisions of the Convention”, as well as to give due consideration in the programme and budget for technical cooperation programmes to promote the ratification of the Convention and to assist members requesting assistance in its implementation in such areas as:
- technical assistance for Members, including capacity building for national administrations as well as representative organizations of fishing vessel owners and fishers, and the drafting of national legislation to meet the requirements of the Convention;
  - the development of training materials for inspectors and other staff;
  - the training of inspectors;
  - the development of promotional materials and advocacy tools for the Convention;
  - national and regional seminars, as well as workshops on the Convention; and
  - promoting the ratification and implementation of the Convention within ILO Decent Work Country Programmes.
16. The **resolution concerning port State control** invited the Governing Body “to convene a tripartite meeting of experts of the fishing sector to develop suitable guidance for port State control officers concerning the relevant provisions of the Work in Fishing Convention, 2007 (No. 188)”.
17. The **resolution concerning tonnage measurement and accommodation** invited the Governing Body “to request the Director-General to report to it any developments which may have an impact on the Work in Fishing Convention, 2007 (No. 188), especially on Annex III”, and “to act on such a report by giving due priority, if required, to convening a tripartite meeting of experts, as provided for in Article 45 of the Work in Fishing Convention, 2007 (No. 188), to address the matter with a view to maintaining the relevance of Annex III of that Convention”.
18. The **resolution concerning promotion of welfare for the fishers** invited the Governing Body “to request the Director-General, in a cost-effective manner, to consider, as appropriate, the following social issues related to fisheries, as part of its programme and budget:
- promotion of the provision of effective social protection and social security to all fishers within the ongoing work of the Organization so as to secure effective social protection for all;
  - the particular employment problems that are faced by women in the fishing industry, including discrimination and the barriers to access to employment in the industry;
  - the causes of occupational diseases and injuries in the fishing sector;
  - the need to encourage member States to strongly ensure that fishers on fishing vessels in their ports are able to have access to fishers’ and seafarers’ welfare facilities;
  - the need to provide member States and social partners with advice on developing strategies to improve the retention of fishers and the recruitment and retention of new entrants in fisheries;
  - the issues relating to migrant fishers; and
  - the education of fishers and their families by working together with appropriate bodies for the prevention of HIV/AIDS among fishers and in fishing communities”.

19. In November 2007 the Governing Body requested the Director-General to:
- take all necessary measures for the promotion of Convention No. 188 and Recommendation No. 199, in accordance with the above resolutions, “taking into account the resources available for sectoral activities under the regular budget and any voluntary contributions that can be obtained from extra-budgetary donors”; and
  - “make concrete proposals in due course to the Governing Body with regard to the implementation of those resolutions ...”.<sup>6</sup>
20. The Office seeks to coordinate the work to promote the implementation and ratification of Convention No. 188 with the work under way to promote early ratification and implementation of the MLC, 2006; thus this Action Plan draws on processes, goals and strategies similar to those outlined in the Action Plan 2006–11 for the MLC, 2006.<sup>7</sup>

What has been done between 2007 and 2010

*Actions since 2007 to build a solid foundation for the ratification and implementation of the Work in Fishing Convention, 2007 (No. 188), and its accompanying Recommendation*

21. In keeping with the four resolutions adopted by the 96th Session of the Conference and the decisions taken by the Governing Body in November 2007, and in close consultation with its constituents, in particular with ACTRAV, ACT/EMP, ITUC and the ITF, the Office has sought to quickly and efficiently undertake activities to promote the implementation and ratification of Convention No. 188. In doing so, it has drawn upon regular budget resources as well as extra-budgetary resources provided by external donors. In keeping with the ILO Declaration on Social Justice for a Fair Globalization, these actions have been carried out through collaboration among departments in ILO headquarters, field offices and the Turin Centre. The Office has sought, where possible, to undertake activities that will serve as a foundation – a springboard – for future work (e.g. developing training material, undertaking baseline studies, collecting best practices, strengthening important inter-agency relationships that will enhance future work). The following provides highlights of these activities.

*Development of promotional material*

22. The Office has developed a promotional brochure on Convention No. 188. Originally prepared in English, French and Spanish, the publication now also exists in Japanese (courtesy of ILO Tokyo), Portuguese and Brazilian Portuguese. Moreover, the Office has enhanced its website concerning the Convention.

*Article 22 report form*

23. Under article 22 of the ILO Constitution, reports are periodically requested from States which have ratified ILO Conventions. In November 2007 the Governing Body adopted the report form for the Work in Fishing Convention, 2007 (No. 188). The form is available on the website of NORMES.

*Comparative analysis (gap analysis) of Convention No. 188 and national laws and regulations*

24. NORMES, with input from SECTOR, has prepared model terms of reference and matrices for the undertaking of a comparative analysis (gap analysis), which helps to identify the areas where legislative changes may be needed and thus facilitates the work of national authorities when envisaging ratification.

<sup>6</sup> GB. 300/3/1, para. 9.

<sup>7</sup> [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_088034.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_088034.pdf).

*Development of guidelines on port State control*

25. In keeping with the resolution concerning port State control as noted above, in March 2009 the Governing Body decided that a Tripartite Meeting of Experts to Adopt Port State Control Guidelines for Implementation of the Work in Fishing Convention, 2007 (No. 188), would be held at the ILO in Geneva from 15 to 19 February 2010. The meeting was convened using financial support from the Norwegian-funded Project on Enhancing Labour Inspection Effectiveness (a project which involved cooperation by LAB/ADMIN, SECTOR and SafeWork). The experts adopted the *Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)*, which aim to provide supplementary practical information and guidance to port State administrations that can be adapted to reflect national practices and policies and other applicable international arrangements in force governing port State control inspections of fishing vessels. The *Guidelines* were submitted to the Governing Body at its 309th Session (November 2010) and will be initially published in English, French and Spanish.

*Development of handbook and training material*

26. Bearing in mind the resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007 (No. 188), the Office is developing a *Handbook for improving living and working conditions on board fishing vessels* (which provides guidance on Convention No.188) and a *Training manual on the implementation of the Work in Fishing Convention, 2007 (No. 188)*. The development of these products has been financially supported by the Norwegian-funded Project on Enhancing Labour Inspection Effectiveness and has been assisted by NORMES and SEC/SOC. They draw upon experiences from the capacity-building project for the Latin American fishing sector employers' organizations and from training courses for employers and workers in the fishing sector organized by ACT/EMP, ACTRAV and the Turin Centre, all funded by the Spanish Ministry of Labour and Social Affairs through the Social Marine Institute of Spain. They also draw upon lessons learned through case studies commissioned by the ILO concerning regulation of labour conditions of the fishing sector in Norway, Republic of Korea, South Africa and Spain, as well as a case study from Brazil. By the end of 2010 these two products, originally produced in English, will be translated into French and Spanish utilizing funds from the Project for the Rational and Sustainable Development of the Fishing Sector, funded by Spain's Ministry of Environment and Rural and Marine Affairs.

*Regional seminars*

27. Regional seminars on the Work in Fishing Convention, 2007 (No. 188), were held in the Republic of Korea in September 2008 and in Rio de Janeiro, Brazil in August 2009. These events were held with financial or in-kind assistance from the host countries. They aimed to:

- promote the ratification and implementation of Convention No. 188 and Recommendation No. 199;
- improve working conditions and legal protection of fishers in the region; and
- identify what parts and provisions of the Convention are of specific concern to the countries.

Following discussion on the Convention and Recommendation requirements, participants requested assistance from the ILO to ratify and implement the Convention. This included: knowledge-building activities (seminars and training courses); technical, legal or financial assistance for conducting baseline studies and the organizing of tripartite consultations and campaigns; drafting or commenting on legislation and providing informal opinions; elaborating information, guidelines, manuals and material on occupational diseases of fishers; undertaking a study on minimum wages, working conditions and social security protection; making available best practices related to occupational health and safety; and

facilitating exchange and dissemination of international experiences concerning law and practice related to fishers' working conditions.

#### *Assistance to the European Union*

28. Article 139 of the consolidated version of the Treaty establishing the European Community provides for the possibility of the social partners to negotiate agreements on certain issues. An agreement was concluded by European shipowners and trade unions on the implementation of the MLC, 2006. A somewhat similar agreement is being considered with respect to the implementation of Convention No. 188. The Office has been assisting the fishing sector social partners in their development of such an agreement, which is planned to be completed in 2011.

#### *Technical cooperation projects aimed at specific countries*

29. The Project for the Rational and Sustainable Development of the Fishing Sector<sup>8</sup> funded by the Ministry of Environment and Rural and Marine Affairs of Spain has, since 2007, supported the improvement of social and working conditions of workers in the sector in four African countries (Guinea Bissau, Mauritania, Morocco and Senegal) and two Latin American countries (Ecuador and Peru). The project has been under the auspices of the ILO's SECTOR, working closely with the ILO Subregional Office for the Andean Countries in Lima (Peru), the Subregional Office for West Africa in Abidjan (Côte d'Ivoire), the Subregional Office for the Sahel Region in Dakar (Senegal), and the ILO Office in Madrid (Spain).
30. While promoting Convention No. 188 and Recommendation No. 199, the project has also, in the spirit of the ILO Declaration on Social Justice for a Fair Globalization and of related provisions of the Global Jobs Pact, addressed such issues as gender equality, the promotion of youth employment, the right to decent work, training in fisheries and aquaculture, and the promotion of good practices. Core activities have included the convening of training courses, workshops, seminars, campaigns and technical assistance. The work of the project began with baseline studies of the fishing sectors, from a labour perspective, in the six target countries. The project has contributed considerably to improving social dialogue in the fishing sector in the countries concerned, and has also contributed to the preparation of comparative studies (gap analyses) of national laws and regulations. Activities have been undertaken in these countries as well as in training centres in Spain. These activities have been realized with the assistance of the Social Marine Institute and the Occupational Safety and Health Institute of Spain.
31. Even before Convention No. 188 and Recommendation No. 199 were adopted, ACT/EMP and ACTRAV, working with the Turin Centre, had engaged in capacity building of fishing sector employers' and workers' organizations in Latin America through projects funded by the Spanish Ministry of Labour and Social Affairs and undertaken in collaboration with the Social Marine Institute. Courses were held in the Turin Centre and in Spain. As noted above, the outcome of this work was also used in the development of the *Handbook for improving living and working conditions on board fishing vessels* and the *Training manual on the implementation of the Work in Fishing Convention, 2007 (No. 188)*. SECTOR has contributed its technical expertise to this work.

#### *Minimum age/child labour*

32. One of the issues addressed by Convention No. 188 is the minimum age of fishers. Implementation of these provisions is closely related to the ILO's work to address minimum age of all workers and the elimination of the worst forms of child labour.

<sup>8</sup> See [www.ilo.org/public/spanish/region/eurpro/madrid/download/triptico\\_in.pdf](http://www.ilo.org/public/spanish/region/eurpro/madrid/download/triptico_in.pdf);  
[www.ilo.org/public/spanish/dialogue/sector/sectors/mariti/fishing/techcoop.htm](http://www.ilo.org/public/spanish/dialogue/sector/sectors/mariti/fishing/techcoop.htm);  
[www.ilo.org/public/spanish/region/eurpro/madrid/eventos/index\\_pesca.htm](http://www.ilo.org/public/spanish/region/eurpro/madrid/eventos/index_pesca.htm).

33. The FAO's great knowledge of and influence in the fishing sector, and the ILO's in-depth knowledge of child labour issues, are both widely recognized. The FAO has shown an interest in addressing child labour in this sector. It was therefore considered important to ensure coordinated work between the FAO and the ILO. In collaboration with the ILO, the FAO hosted a workshop on child labour in fisheries and aquaculture in Rome from 14 to 16 April 2010. The ILO's involvement called for a coordinated approach by IPEC, SECTOR and NORMES which, among other things, were able to bring into the discussion ILO expertise on child labour, standards and sectors, together with the experiences of government labour inspectors and expertise from the fishing sector social partners. The outcomes of the workshop included guidance on the contents and process of developing materials on policy and practice in tackling child labour in fisheries and aquaculture. An agreement was found on conclusions and recommendations relating to the nature, causes and consequences of child labour in fisheries and aquaculture as well as on how to address them through legal and enforcement measures, policy interventions and practical actions. Participants specified priority actions including the development of specific guidance tools to address child labour in the fishing sector and the collection and distribution of "good practices".

*Joint FAO–ILO–IMO work related to safety and health of fishers*

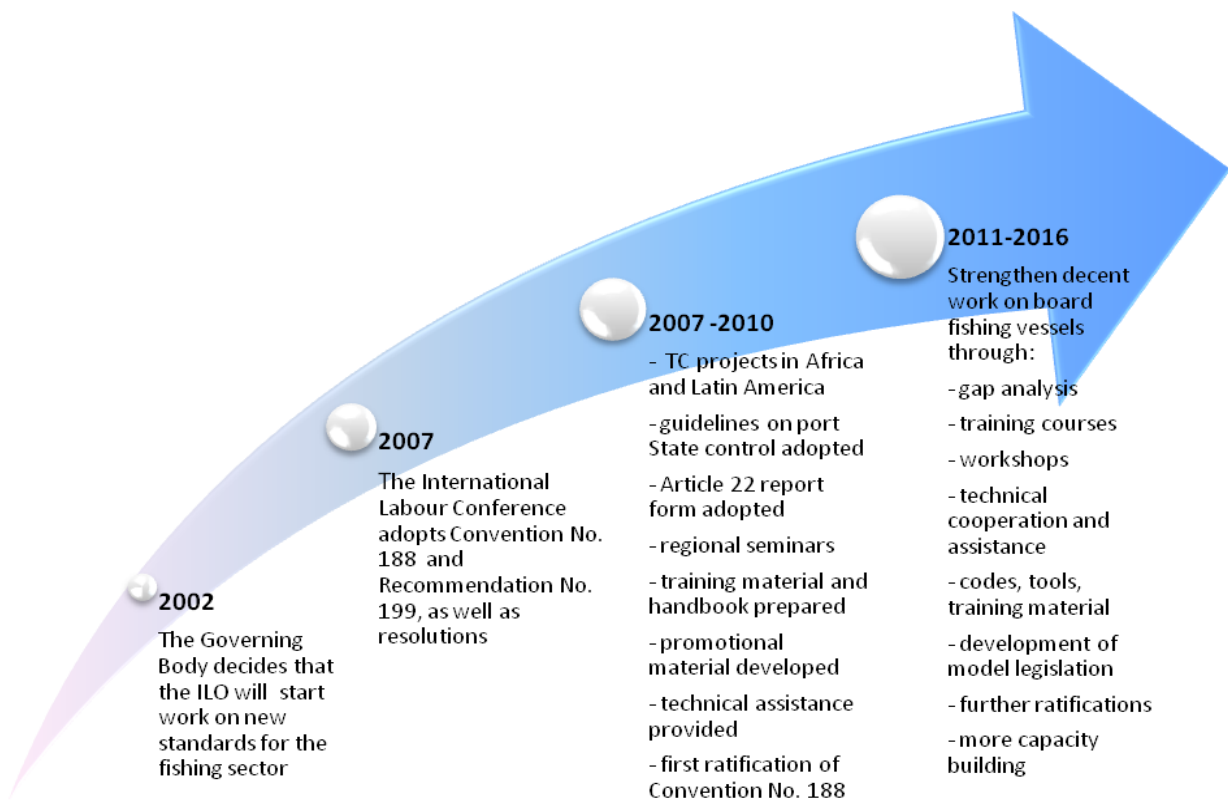
34. The ILO has a long history of working with the FAO and the IMO to improve the safety and health of fishers. This work is relevant to the promotion of Convention No. 188 and Recommendation No. 199, as several joint FAO–ILO–IMO publications are specifically referred to in Recommendation No. 199. Furthermore, the three organizations frequently assist each other in the promotion of each other's standards and other instruments, and the ILO often is able to enhance the participation of the social partners in the work of the FAO and the IMO. This work continues. Status reports are frequently provided to the Committee on Sectoral and Technical Meetings and Related Issues.

*Decent Work Country Programmes*

35. The Office has promoted the inclusion of references to Convention No. 188 in Decent Work Country Programmes. Some countries have already specifically included text referring to the desire to work towards implementation and ratification of the Convention (e.g. Kiribati, Samoa, Tuvalu, Vanuatu). Others have generally referred to the importance of fishing (e.g. Bahamas, Belize, Cambodia, Indonesia, Kenya, Solomon Islands, United Republic of Tanzania, Timor-Leste, Uganda and Yemen). Moreover, actions related to the improvement of social and working conditions in fishing have been undertaken in Ecuador, Guinea Bissau, Mauritania, Morocco, Peru and Senegal through the Project for the Rational and Sustainable Development of the Fishing Sector. Brazil and India have also expressed interest in carrying out activities in the sector. Bosnia and Herzegovina has already ratified Convention No. 188.



Figure 1. The way forward: Towards ratification and implementation of Convention No. 188



36. As highlighted above, much work has already been done to promote Convention No. 188 and Recommendation No. 199. The Action Plan will build upon this work, and has been developed taking into account lessons learned from promotion efforts undertaken between 2007 and 2010.

#### *Main challenges*

37. The following summarizes some of the main challenges to be faced in promoting the ratification of the Convention and its implementation, as well as implementation of its accompanying Recommendation:

- how to make all fishers, fishing vessel owners, employers' organizations, workers' representative organizations, organizations and government ministries/agencies, and other persons or bodies that should know about the Convention aware of its provisions and its utility;
- how to identify those countries who have the interest and will to review, and possibly change, legislation concerning working conditions in the fishing sector;
- how to address concerns over the feasibility of the implementation of the Convention in countries that may have special problems of a substantial nature in light of the particular conditions of service of some fishers or fishing vessel operations, as well as in countries that face special problems of a substantial nature due to insufficiently developed infrastructure or institutions;
- how to strengthen the capacity of government officials to implement the Convention;
- how to strengthen the capacity of employers' and workers' representative organizations, particularly organizations of fishing vessel owners and fishers, so that they may play their essential role in the national promotion and implementation of the Convention, and how to assist these organizations to expand their membership to reach greater numbers of fishers;

- how to help encourage better cooperation and coordination among the ministries and agencies that may have a role in the review and implementation of the Convention, and that may need to coordinate the preparation or revision of their regulations;
- how to ensure that those concerned with improving working conditions of fishers are provided with useful tools that will help them to review, ratify and implement the Convention;
- how to facilitate the exchange of experiences, in particular good practices, by the ILO's constituents on the subjects addressed by the Convention;
- how to bring to bear on specific issues (e.g. child labour, social security, safety and health, legal drafting) the wealth of experience and expertise of different ILO headquarters and field units;
- how to keep the Office informed of particular needs and of progress made towards ratification and implementation, in order to allow it to efficiently focus its human and financial resources where action is most needed and where the chances of making real improvements are greatest;
- mobilization of resources.

*Summary of future action to be taken to improve conditions of work of fishers*

38. As will be described below in more detail, the ILO plans to undertake the following types of activities to improve the conditions of work of fishers through ratification and implementation of Convention No. 188. It plans to:

- raise awareness about the purpose, scope and content of the Convention and Recommendation;
- disseminate and promote the use of existing tools (guidelines, promotional material, training courses) and develop new tools, as needed;
- assist member States in undertaking comparative analyses (gap analyses) of national laws and regulations or initiating national tripartite consultations concerning improving working conditions in the fishing sector, using Convention No. 188 as a tool to make improvements;
- assist States to develop tools to promote improved working conditions of fishers, bearing in mind the provisions of the Convention and Recommendation as well as the characteristics and needs of fishers within specific countries, localities and fisheries;
- facilitate the exchange of experiences, in particular good practices, among the ILO's constituents;
- help connect States that have specific expertise on subjects covered by the Convention with States that are looking for assistance on those subjects (e.g. South–South cooperation);
- facilitate and strengthen social dialogue and tripartism in the fishing sector;
- measure, to the extent possible, progress towards the ratification and implementation of Convention No. 188.

39. The following actions need to be taken by member States and/or social partners that have an interest in possibly ratifying and implementing Convention No. 188. They should:

- undertake gap analyses of national laws and regulations;
- hold national consultations concerning improving working conditions in the fishing sector, using Convention No. 188 as a framework for making improvements, where needed;

- allocate the human and financial resources needed to review, revise and implement national laws, regulations or other measures giving effect to the provisions of Convention No. 188;
- include a reference to improving conditions of work in the fishing sector, in particular a reference to giving consideration to implementing Convention No. 188, in Decent Work Country Programmes;
- share lessons learned and good practices, and possibly contribute resources to the ILO's efforts to promote the ratification and implementation of Convention No. 188.

*Specific action to be taken, subject to available resources*

40. The Office plans to undertake the following specific activities, depending on the availability of internal and external resources:

*At the global level*

- disseminating the *Handbook for improving living and working conditions on board fishing vessels* (which provides guidance on Convention No.188) and the *Training manual on the implementation of the Work in Fishing Convention, 2007 (No. 188)*, to ILO constituents, fishing sector training institutions, and other interested parties;
- developing guidelines for flag State control implementation of the Work in Fishing Convention, 2007 (No. 188);<sup>9</sup>
- improving the ILO's website on Convention No. 188 and Recommendation No. 199 so that the site can be a better resource for those seeking to promote and implement these instruments (including, where possible, linking to other internal and external sites that provide good practices related to issues addressed in these instruments);
- assisting the Turin Centre in the delivery of training programmes on, or related to, Convention No. 188;
- publishing informal opinions prepared by the Office in reply to interpretation requests concerning the Convention and Recommendation,<sup>10</sup> and publishing frequently asked questions and related answers concerning the Convention and Recommendation;
- preparing guidance to assist States to address issues related to the application of the Convention and Recommendation to small fishing vessels, i.e. those under 24 metres in length;
- developing guidance on addressing specific issues in the fishing sector such as child labour, medical examination and certification of fishers, equipment and supplies to be carried on board fishing vessels;
- promoting and facilitating continued social dialogue at the international level on the implementation of the Convention;
- providing guidance and disseminating good practice on hours of rest/fatigue prevention/contents of fishers' work agreements/occupational safety and health/social security protection of fishers/reporting and investigation of accidents on board fishing vessels;

<sup>9</sup> In its report to the Governing Body of the ILO, the Tripartite Meeting of Experts to Adopt Port State Control Guidelines for Implementation of the Work in Fishing Convention, 2007 (No. 188), suggested, inter alia, that the ILO find resources, perhaps through external donors, for the development of guidelines for flag State control implementation of the Work in Fishing Convention, 2007 (No. 188).

<sup>10</sup> Subject to the customary reservation that the Constitution of the International Labour Organization confers no special competence upon the International Labour Office to interpret Conventions.

- undertaking research on specific issues such as on migrant fishers, pay and wages in the fishing sector, particularly on vessels operating in foreign waters under fisheries agreements;
- preparing practical information on the accommodation provisions of the Convention for use by fishing vessel designers and builders, in order to encourage them to ensure that new vessels meet the requirements of the Convention;
- placing the promotion of the ratification and implementation of Convention No. 188 and Recommendation No. 199 on the agenda of international meetings, involving the major players in the fishing industry, including relevant government ministries and fishers' organizations;
- seeking inclusion of training on Convention No. 188 in the curriculum of the World Maritime University and other IMO-affiliated international maritime training centres, as well as FAO-affiliated training institutions.

*At the regional level*

- placing the promotion of the ratification and implementation of Convention No. 188 and Recommendation No. 199 on the agenda of regional meetings organized or supported by the Office in cooperation with member States with tripartite participation, regional and subregional organizations;
- assisting in the establishment of regional arrangements on port State control of fishing vessels (or the expansion of existing arrangements for inspection of ships to cover inspection of fishing vessels);
- facilitating regional seminars, forums, regional training programmes, information and exchange on the issues addressed in Convention No. 188 and Recommendation No. 199;
- assisting, where requested, in the development of a social partners' agreement on the implementation of Convention No. 188 in the European Union;

*At the national level*

- undertaking general needs assessments of specific countries with respect to possible legislative, infrastructural or training requirements in order to be in a position to ratify Convention No. 188, with emphasis on the possibilities of international cooperation to meet the needs;
- assisting States to develop national plans of action for implementation of the Convention;
- providing assistance to countries in the preparation of legislative gap analyses/legislative reviews to determine areas of adjustment that may be needed;
- encouraging countries to establish tripartite national advisory committees to formulate advice on the preparation/revision of legislation covering fishers;
- assisting countries, upon request to review/comment on their capacity to implement the inspection systems required by the Convention;
- supporting translation of Convention No. 188 and Recommendation No. 199 into languages other than the official ILO languages, based on interest expressed, in particular in Decent Work Country Programmes;
- promoting the integration of Convention No. 188 and Recommendation No. 199 into Decent Work Country Programmes as these are developed or reviewed;
- collecting information for each country, including progress in ratification of the Convention and any problems encountered;

- providing a timely response to requests for legal opinions or other information concerning the Convention and to inquiries concerning the assistance available;
- receiving and acting upon requests for assistance with respect to implementation of the Convention;
- commenting on draft national legislation or assisting in drafting;
- evaluating the difficulties faced by countries that have not been able to move to ratification;
- researching to address gender dimensions in national legislation;
- undertaking expert missions and participation in national seminars when requested (or providing support to ILO field officials undertaking such missions).

*Assistance to representative organizations of fishing vessel owners and fishers*

- assisting ACT/EMP and ACTRAV in building the capacity of representative organizations of fishing vessel owners and fishers and in providing them with information on the Convention and Recommendation.

*Resource mobilization*

- working with the Partnerships and Development Cooperation Department and other ILO units to identify sources of funding to support the above activities;
- assisting member States to identify donors who may wish to directly assist, with financial resources or technical expertise, in strengthening of national capacity for promotional activities with a focus on targeted workshops and training sessions for ILO member States that have not ratified the Convention as well as members that have ratified it but need support for implementation;
- submitting a concept note to donors on related activities that could be undertaken in interested countries with the donors' financial support;
- seeking an extension of the Project for the Rational and Sustainable Development of the Fishing Sector (covering selected countries in Africa and Latin America).

## **II. The Action Plan in the context of the ILO's Strategic Policy Framework**

41. The Strategic Policy Framework 2010–15 provides the context for the present Action Plan.
42. The Action Plan will contribute in particular to the realization of outcomes 13, 4, 5, 6, 9, 10, 11, 16, 18 and 19 of the Strategic Policy Framework 2010–15 (see table 1). The work may therefore involve, in a coordinated way, the expertise of several ILO units.

**Table 1. Relationship between the Action Plan and the ILO's Strategic Policy Framework 2010–15**

<b>Outcome number</b>	<b>Outcome description</b>
Outcome 13	<i>Decent work in economic sectors:</i> A sector-specific approach to decent work is applied
Outcome 4	<i>Social security:</i> More people have access to better managed and more gender equitable social security benefits
Outcome 5	<i>Working conditions:</i> Women and men have improved and more equitable working conditions
Outcome 6	<i>Occupational safety and health:</i> Workers and enterprises benefit from improved safety and health conditions at work
Outcome 9	<i>Employers' organizations:</i> Employers have strong, independent and representative organizations

Outcome number	Outcome description
Outcome 10	<i>Workers' organizations:</i> Workers have strong, independent and representative organizations
Outcome 11	<i>Labour administration and labour law:</i> Labour administrations apply up-to-date labour legislation and provide effective services
Outcome 16	<i>Child labour:</i> Child labour is eliminated, with priority being given to the worst forms
Outcome 18	<i>International labour standards:</i> International labour standards are ratified and applied (implies the ratification and implementation of Convention No. 188 and Recommendation No. 199)
Outcome 19	<i>Mainstreaming decent work:</i> Member States place an integrated approach to decent work at the heart of their economic and social policies, supported by key UN and other multilateral agencies

### **III. Relationship to the Global Jobs Pact**

43. This Action Plan will contribute to the implementation of the Global Jobs Pact in particular by strengthening social dialogue and tripartism in the fishing sector, which may carry over into efforts to build consensus on relevant national and international policies and strategies related to future employment opportunities for fishers (as well as transitioning fishers to other forms of work, where necessary due to environmental or economic reasons).

### **IV. Implementing partners**

44. With SECTOR and NORMES as lead units and in close collaboration with ACTRAV and ACT/EMP, this Action Plan will enhance the promotion of the ratification of Convention No. 188 and ensure coordinated action for implementation. It is expected that this collaboration will involve specialists at headquarters and other specialists in the field, LAB/ADMIN, SafeWork, IPEC, SEC/SOC, Social Dialogue Sector and the Turin Centre.

45. The efforts to increase the visibility of Convention No. 188 and of the need to improve working conditions in the fishing sector will be made in cooperation with other relevant international and regional bodies as appropriate, including the IMO, FAO, United Nations Environment Programme (UNEP), IOE, ITUC, ITF and the European Union.

46. Consultations will continue to be made on the implementation of this Action Plan and possible modifications, between the ILO's Employers' and Workers' groups and thus through the social partners in the fishing sector.

### **V. Strategy**

47. In line with the strategic objectives of the ILO as they relate to a sector-specific approach to decent work, the Action Plan will increase awareness in the fishing sector of Convention No. 188 and Recommendation No. 199 and help place ratification and implementation of these instruments high on the national agendas of member States with fishing interests.

48. Promoting ratification and implementation and providing assistance, where needed, are interrelated activities: ratification will often depend upon the availability of technical assistance to help governments to develop national laws and regulations and build the necessary administrative capacity.

49. To focus resources and to measure progress, the Action Plan will set some general targets to be reached within and by the end of the five-year period. Reaching these targets will of course depend in part on resources and on the will and capacity of member States and others within the period concerned.

50. The Office will also seek to place high priority on the promotion of Convention No. 188 in States with large numbers of fishers, with large international fleets and/or large numbers of vessels of 24 metres in length or more (or 300 gross tons or more); States which receive a large number of port visits from foreign vessels; and States having mentioned fishing as a

priority in Decent Work Country Programmes. It will also seek to obtain at least one ratification in each ILO region.

### Targets, indicators and monitoring

51. Progress related to awareness-raising and the assistance for ratification and effective implementation of the Convention and its accompanying Recommendation will be measured in a number of different ways and at different levels, consistent with the multi-level and multi-partner approach. It will be monitored on the basis of the indicators in table 2.
52. The progress of the Action Plan will be monitored on a yearly basis and evaluated using these indicators and targets/measurements and in accordance with standard ILO procedures. The progress reports will be prepared by the Office.

**Table 2. Measuring progress towards the ratification and implementation of the Work in Fishing Convention, 2007 (No. 188)**

Indicator	Target/measurement
Ratification by member States	5 ratifications registered with the Director-General of the ILO by the end of 2012 10 ratifications registered well before the end of 2016 (at least one in each ILO region)
Partial changes to national laws, regulations and other measures in line with Convention No. 188	10 partial changes (as indicated by new laws or regulations, or amendments thereto) by the end of 2016
Comparative analyses undertaken	10 new comparative analyses of Convention No. 188 and national laws and regulations by 2012 20 comparative analyses of Convention No. 188 and national laws and regulations by the end of 2016
Tripartite national seminars, workshops or other events held in member States, or tripartite committees formed for the purpose of reviewing Convention No. 188	10 held by 2012 20 held by the end of 2016
Requests for legal assistance or clarification	10 by 2012 20 by the end of 2016
Number of training courses held on Convention No. 188 and Recommendation No. 199	5 by 2012 15 by the end of 2016
References to Convention No. 188 in Decent Work Country Programmes	10 by 2012 20 by 2016
Examples of exchanges of best practices, technical assistance, among member States related to the implementation of Convention No. 188	10 examples by the end of 2016
Government, employer (fishing vessel owner), worker (fishers' representatives) trained on Convention No. 188 (either at the Turin Centre or by others)	50 by 2010 200 by 2016
New tools developed on Convention No. 188 or specific subjects addressed by Convention No. 188 (specific to the fishing sector), by the Office (SECTOR, NORMES or other units, or through collaboration among several units)	4 by 2016