

第四项议程

国际劳工组织与标准相关活动的改进

概 述

所涉问题

本文件为在委员会内讨论与其它三个标准战略组成部分互为补充的国际劳工组织标准政策提供了有关信息。它反映了 2010 年 2 月和 3 月多次协商的结果，并包含了劳工局关于全面加强标准政策方法的具体建议。本文也提供了关于实施改进国际劳工组织标准相关活动的临时性行动计划的最新资讯。

政策影响

讨论结果可以有助于就国际劳工组织关于争取公平全球化的社会正义宣言所呼吁的促进国际劳工组织标准政策予以澄清和建立共识。

财政影响

已经确定的有关技术合作计划的资源缺口。要求资金支持的一项请求(尤其是在经常预算补充帐户拨款的背景下)业已提交给计划与管理局及伙伴关系与合作发展司。

需作出的决定

第 24 段。

参考其它理事会文件和国际劳工组织文书

理事会文件 GB.294/PV, GB294/LILS/4, GB300/PV, GB300/LILS/6, GB.303/PV, GB.304/PV, GB.307/PV, GB.309/LILS/7, GB.306/PV, GB.306/LILS/4(修改稿)。

2008 年国际劳工组织关于争取公平全球化的社会正义宣言

2009 年全球就业契约

导 言

1. 国际劳工组织标准相关活动的改进问题过去 15 年里已在法律问题和国际劳工标准委员会中定期讨论。随着 2005 年 11 月通过标准战略¹，以及 2007 年 11 月批准一项包含四个组成部分² 以供实施的临时性行动计划，讨论被赋予一个新的原动力。国际劳工组织关于争取公平全球化的社会正义宣言的后续措施以及全球就业契约的目标已经纳入临时性行动计划。标准战略的技术合作和信息及通讯要素在 2007 年 11 月确定，目前正处于实施阶段。最后确定标准政策和监督体制方面的标准战略要素的工作仍在继续。
2. 本文提供了自 2010 年 3 月以来关于为落实标准战略的临时性行动计划的制定及其执行情况的最新资讯。第一部分论述了这一方面的主要问题，即对 2010 年 2 月和 3 月进行的关于标准政策的磋商进行跟踪。³ 第二部分包含了在标准战略的标准政策要素背景下组织一个关于 1983 年终止就业公约(第 158 号)和 1983 年终止就业建议书(第 166 号) 的三方专家工作小组的进展情况，以及该战略其它三个要素方面的进展情况。

第一部分、标准政策

国际劳工组织关于争取公平全球化的 社会正义宣言的后续措施

3. 当理事会在 2007 年 11 月批准为落实标准战略实施的临时性行动计划时，曾决定，应该就标准战略的第一个要素(标准政策)进行三方协商。这些协商当时拟于 2008 年 6 月第 97 届国际劳工大会后举行，以便考虑到关于加强国际劳工组织能力以协助成员国在全球化背景下实现其目标的努力的讨论结果。这一结果致使国际劳工组织关于争取公平全球化的社会正义宣言获得通过。
4. 该宣言强调需要“通过提高其对劳动世界的相关性，将国际劳工组织的标准制订政策作为国际劳工组织活动的一个基石来推动，并保证标准作为一个实现该组织章程目标的有用手段的作用”。⁴ 它重申了国际劳工标准作为国际劳工组织实现其目标的其中一个重要行动手段的核心作用。
5. 宣言的后续措施呼吁引入一个由国际劳工大会进行周期性讨论的方案，以便更好地了解其成员就每一个战略目标而言的不同现实与需求；使用包括劳工局的标准相关行动、技术合作和技术及研究能力在内的所有行动手段更有效地予以回应，并相应地调整其

¹ 理事会文件 GB.294/PV, 第 222 段和 GB.294/ILLS/4。

² 理事会文件 GB.300/PV, 第 306 段和 GB.300/ILLS/6。将忆及，标准战略的四个组成部分分别为：开发、不断更新和促进国际劳工组织标准(标准政策)；加强监督体制并增强其影响；通过技术援助与合作改善标准体制的影响；以及提高国际劳工组织标准制度的能见度。

³ 正如诸成员国所要求的那样，对国际劳工公约的解释事宜依然取决于非正规的磋商。

⁴ 2008 年国际劳工组织关于争取公平全球化的社会正义宣言的序言。

优先事宜和行动计划；并且评估国际劳工组织活动的结果以便为计划、预算和其它治理决定提供信息。⁵

6. 2009年3月，理事会决定，该周期性讨论的周期年限为7年。⁶首次周期性讨论于2010年6月举行，覆盖了就业的战略目标。继之而来的是2011年关于社会保护(社会保障)战略目标的讨论，以及2012年关于工作中基本原则与权利战略目标的讨论。这三个战略目标将在本周期内讨论两次(关于社会保护的第二次讨论将涵盖劳动保护)，而社会对话将讨论一次。
7. 专家委员会准备的一般性调查被认为是关于成员国法律与实践的一个重要信息来源，周期性报告可以从中受益。结果是，一般调查的议题已开始与关于就业⁷、社会保障⁸及工作中基本原则与权利⁹的周期性讨论的议题相一致，导致产生了新一代的一般性调查。2010年6月，专家委员会准备的关于就业文书的一般性调查得到了大会标准实施委员会的讨论，而且在一个大会技术性委员会准备的有关为实现社会正义和公平全球化的就业政策的周期性报告中有所论述。两个委员会之间建立了协作，它们的结论包含了促进有关标准的重要组成部分。

关于标准政策的协商结果以及劳工局的建议

8. 关于标准政策的三方协商始于2009年3月。协商通过2010年2月与各国政府以及雇主组和工人组的秘书处的单独会谈，以及2010年3月与法律问题和国际劳工标准委员会三方委员的会谈而得以继续进行。劳工局准备了一份关于标准政策的备忘录以便支持进行这些磋商。¹⁰该备忘录的概要以及这些协商的结果作为附件一随附。在这一结果的基础上，劳工局已制定了一些建议并根据三方成员的要求将其提交以供讨论和指导。

劳工局提出的建议

使标准主体与劳动世界密切相关

9. 关于标准政策的协商产生一个积极的结果，使三方成员为继续在法律问题和国际劳工标准委员会中进行讨论奠定了一个坚实的基础。似乎已在三个重要事宜方面显现共识：首先是对国际劳工组织标准政策的定义；其次是主导关于标准审议方面的讨论的指导原则；第三是法律问题和国际劳工标准委员会在对周期性讨论结论中的标准相关事宜进行酌情跟踪方面的潜在作用

⁵ 同上，附件，第二部分(2)。

⁶ 理事会文件 GB.304/PV,第 183 段(2)。

⁷ 理事会文件 GB.303/PV,第 252 段。

⁸ 理事会文件 GB.304/PV,第 211 段。

⁹ 理事会文件 GB.307/PV,第 220 段。

¹⁰ 劳工局为关于标准政策的协商而提交的备忘录文稿将可在理事会会议室内获取。

10. 至于对标准政策的定义, 趋同的观点是, 它系指: 决定使国际劳工组织标准主体与时俱进的最佳方式; 识别需要修改的标准; 识别最时新的标准, 并对其进行宣传; 决定进行标准制订的新议题及方式; 以及准备和通过标准。
11. 在协商中各方达成了一致意见, 即整个标准审议的进程应该依照国际劳工局的备忘录中所提议的六个指导原则而推进(见后文中附件一里的第 5 段)。¹¹
12. 各方似乎也分享这样一种观点, 即周期性讨论和一般调查的讨论中的结论中与标准相关的内容可以潜在性地为审议国际劳工组织标准状况和识别新的标准制定议题提供一个新的框架。
13. 作为关于对就业、社会保护(社会保障)和工作中基本原则与权利的战略目标周期性讨论一部分, 用于一般性调查的根据第 19 条准备的前三个报告形式的经验业已证实, 一般调查和周期性讨论不能涵盖与战略目标相关的所有标准。大家已经注意到, 很少会有三方成员答复标准主体相对于战略目标而言存在的差距事宜(涉及同类标准的修订合并或选择可能的新议题的需要)。
14. 因此显而易见的是, 需要对一般调查和周期性报告以及有关会议讨论的结果进行补充。继对每个战略目标的审议之后, 劳工组织应该对那些对负担得起的保护有影响的标准方面的差距或对标准应对劳动世界需求的能力有一个较好的了解。对于每一个战略目标来说, 这项工作应该提供一个关于有待加以宣传、修订或合并的标准以及关于可能需要制定的涉及新议题的标准的全貌。由此而产生的问题是如何使其更好地得以实现, 法律问题和国际劳工标准委员会在这方面可以起到何种作用, 包括建议组办专家会议或者其它种类的会议以便协助澄清具体的问题。
15. 鉴于国际劳工组织关于争取公平全球化的社会正义宣言呼吁就上述四个战略目标采取一种综合的途径, 考虑它们之间的联系, 法律问题和国际劳工标准委员会可以通过在大会讨论周期性报告之前或之后举办涉及每一个战略目标的相关标准的讨论而起到重要的补充作用(附件二中包括了按战略目标对标准进行分类的工作大纲)。所寻求的途径将有别于卡蒂尔工作组所使用的基于逐案审议标准的做法。重点落在属于某个战略目标的各种文书。法律问题和国际劳工标准委员会将能够选择最适当的机制以使其对按战略目标区分的文书以及宣传、修订或补充这些文书的最佳方式有一个完整的观点。
16. 考虑到协商结果, 法律问题和国际劳工标准委员会的一次讨论将包括对 1985 年和 2000 年之间所通过的相关标准的状况的审查。拟审查文书的名单将不包括那些在最近几次一般调查中已经审议的那些标准¹², 基本和治理公约及其相伴的建议书以及已被 2006

¹¹ 这些指导原则乃基于关于修改标准的政策工作组(“卡蒂尔”工作组)所使用的那些原则, 被理事会批准的用以准备 2006 年海事劳工公约的那些原则, 以及从社会正义宣言中派生出来的要点。

¹² 不过很清楚, 如果在大会标准实施委员会讨论后的一般性调查中任何得到审议的文书要求对这一(或这些)文书开展进一步研究, 那么它们就不得不被纳入考虑。

年海事劳工公约修订的海事公约和建议书(见附件三第 1 部分)。如果被卡蒂尔工作组确定需要修订的和那些需要提供更多信息的公约和建议书未被一般性调查涵盖,它们也可以由法律问题和国际劳工标准委员会处理(有关文书的名单包括在附件三的第 2 部分)。在考虑这些文书时,法律问题和国际劳工标准委员会可以识别那些要求由一个专家组或一个专家会议或由劳工局准备一项研究,或者为更好实现所寻求目标的其它任何程序进行审议的种种文书。

17. 关于最时新的标准,委员会也可以考虑有否可能建议就已被确定的国际劳工组织公约或者建议书召开一次专门会议,以便讨论为批准、实施或者落实有关国际劳工组织标准而正在进行的准备工作。2010 年 9 月召开的 2006 年海事劳工公约的筹备会议便是一个最近的例证。¹³ 三方成员可能希望考虑能够适合于这种三方性会议的文书,为他们就批准、实施或落实具体的文书,分享信息并就所碰到的影响批准和实施的种种困难寻求咨询提供一个介绍其正在进行的准备工作情况的机会。
18. 问题在于哪一组标准应该在这一新的进程中先被讨论。考虑到上述因素,是否应该是被审议的划归第一个战略目标(就业)的文书?是否应该是在已就有待专家委员在一般性调查中进行审议的文书做出了决定(2011 年审议社会保障,2012 年审议八个基本公约)的两个方面的其中之一?或者是否应该是所涉文件尚未被选作开展 2013 年一般性调查项目的社会对话战略目标?理事会将不得不根据法律问题和国际劳工标准委员会的建议于 2011 年 3 月就关于将社会对话文书纳入一般性调查事宜做出决定。
19. 所追求的目标是在审议有关每个战略目标的标准的进程结束之际,理事会应能就下列事宜做出决定:所审议文书(列入附件三第 2 部分)的现状;为有效宣传最时新的标准并对卡蒂尔工作组的结论进行跟踪所需要的任何具体行动(包括为附件三第 2 部分所列的标准而开展的待决行动);以及就修订、合并或新议题标准而言,在标准制订工作中可能存在的差距。
20. 上面所概述的进程的优点是,它将允许使用有助于重振或加强标准主体的最佳方式。将就每一个战略目标所有相关标准进行一次全面讨论,并突出强调其对劳动世界的相关性。对标准相关问题的研究将成为一个长期性活动,并与宣传和实施标准的正常工作全面整合。这将要求与法律顾问办公室合作,与技术部门(尤其是因为它们从事所需研究工作方面占尽地利),以及与雇主活动局、工人活动局和外地机构全面协作。在这一活动中,重要的是要保证,将国家层面的三方成员的需求纳入考虑之中。三方协商,包括那些在 1976 年三方协商(国际劳工标准)公约(第 144 号)及其相伴的第 152 号建议书中所规定的协商,将通过外地标准专家的支持而得到鼓励。

¹³ 见理事会文件 GB.309/LILS/7。

通过针对时新标准的行动计划和对 修改的公约进行单独跟踪来促进标准

21. 协商显示，劳工局应该继续开展涉及技术援助的行动计划以帮助各国政府缩小标准实施方面的差距，并使它们能够批准理事会所确定的公约。一项关于职业安全与卫生的行动计划已在 2010 年 3 月得到理事会批准，并已公布。理事会 2009 年 11 月批准的治理公约行动计划很快便将公布。一项通过广泛批准和有效实施 2007 年渔业工作公约(第 188 号)并落实 2007 年渔业工作建议书(第 199 号)而改善渔民工作条件的行动计划，随附本文件之后以供本委员会讨论批准(见附件四)。至于工作中的基本原则与权利，有必要等待 2012 年国际劳工大会周期性讨论的结果，因为此届大会可能通过一项行动计划，以便合并和更新根据 1998 年工作中基本原则与权利宣言在综合报告讨论框架下批准的各单独计划。
22. 就协商期间提出的某些建议，劳工局正探讨与有关技术部门协作，开发一项“支持经济和就业复苏并减少性别不平等现象”的行动计划的可能性。正如在全球就业契约¹⁴中所指出的那样，此项计划将考虑到其中一些相关的标准已被其它行动计划覆盖。此外，前面所描述的审议公约的总体程序为突出那些可以着实从这些行动计划中受益的标准提供了一个机会。由于为调动资源而采取行动的结果有不确定性，劳工局正就实施这种计划采取一种逐步推进的方式，并正建议在不同地区的几个国家开始试点(见下面的 31 段)。技术司局、地方机构和国际劳工组织都灵培训中心都将全面参与。
23. 为答复协商期间不同与会者就有关已修订公约以及卡蒂尔工作组的结论的一般性信息所提出的要求，国际劳工标准司(N O R M E S)已在其网站上贴出关于这一议题的最后一个情况说明。¹⁵ 关于每个国家批准情况的全面信息，更新的或者修订的公约，也可在国际劳工标准司网站上查阅。¹⁶ 正如工人组所建议的那样，将向有关政府发送一封信函，提醒它们关注卡蒂尔工作组的有关结论，将重点放在对与时俱进公约的宣传。地方标准专家将被邀请推动对第 144 号公约和第 152 号建议书的一般性适用，以便根据卡蒂尔工作组结论评估国家层面的状况并对这一问题进行跟踪。根据国际劳工组织关于争取公平全球化的社会正义宣言，将鼓励成员国评估其关于批准和实施国际劳工局文书的局势，以便取得每个战略目标覆盖面的逐渐扩大，尤其是将重点放在那些被归类为核

¹⁴ 国际劳工局：从危机中复苏：全球就业契约。国际劳工大会，第 98 届会议，日内瓦，2009 年，第 9 段(7)。在跟踪全球就业契约的框架以及 2010 年 6 月通过的关于就业的周期性讨论的结论之中，国际劳工标准司就国际劳工标准如何适用于当前经济危机的背景之中委托进行了首次比较研究。基于对一些具有代表性的抽样国中为应对危机而采取的或预见的立法措施的描绘，研究将分析这些立法措施与全球就业契约中所列的有关国际劳工组织标准(第 14 段)之间的关系。所涉标准包括八个基本国际劳工组织公约以及那些关于就业政策、工资、社会保障、雇佣关系、就业终止、劳动行政和监察、移民工人、公共合同的劳动条件、职业安全与卫生、工时和社会对话机制的公约。

¹⁵ 见 http://www.ilo.org/global/Waht_we_do/InternationalLabourStandards/ILSpolicy/lang--en/index.htm。

¹⁶ 见 <http://www.ilo.org/dyn/natlex/countryprofiles.home>。

心劳工公约和那些被认为从治理角度而言最为重要的公约。劳工局将继续保证，国家层面三方成员在指定或更新体面劳动国家计划时认识到并考虑卡帝尔工作组的结论。

24. 委员会或许希望：

- (a) 讨论在上述第 9 至第 23 段中所概述的建议，并向劳工局提供关于应采取的下一步步骤的指导，以便最后完成实施标准战略临时行动计划中的标准政策内容；并
- (b) 建议理事会批准(2011-16 年)行动计划以通过广泛地批准实施 2007 年渔业工作公约(第 188 号)和落实第 2007 年渔业工作建议书(第 199 号，见附件四)而改善渔民工作条件。

第二部分、临时行动计划进展报告

关于终止就业文书的三方性专家会议

25. 大家可能记得，理事会 2009 年 11 月批准召开一次三方性专家工作组会议，以审议 1982 年终止就业公约(第 158 号)及其相伴的建议书(第 166 号)。¹⁷ 已经计划于 2011 年 4 月 18 日至 21 日举行一次为期三天的会议，尚有待于理事会官员们的批准。分别经与理事会雇主组和工人组协商后提名的 6 名雇主代表和 6 名工人代表，以及理事会政府组提名的 6 名政府代表将参加此次会议。

26. 此次三方性专家工作组会议的目的将是审议第 158 号公约和第 166 号建议书，并找出批准和实施障碍以及法律和实践中的其它相关的现行趋势。劳工局将基于会议的成果准备建议以供理事会考虑。

精简信息与报告的发送和处理

27. 理事会 2009 年 11 月决定，出于提交报告的目的，公约应该按照战略目标进行分组。看法是，这样一种分类可以为选择拟在一般性调查中审议的文书打下一个基础。在某种程度上，它还应该便于在一般性调查中使用第 22 条报告中包含的已批准公约实施情况方面的信息，但须当心的是，由于所涉公约和 / 或批准个案众多，使得这类信息，不能在一年内，而是在两年或三年期间收集。另外，这种分类可以有助于在国际劳工组织活动中更好地整合所有国际劳工公约。理事会还决定，第 22 条报告周期应该为基本和治理公约从两年延长至三年，而其它公约应该继续保持五年周期。¹⁸

28. 正如在下面的 32 段中所指出的那样，国际劳工标准司的数据库正处于重大技术性变更过程中。为保证最好的结果，有必要等到这一新体系投入运作后再引入这些技术性变更。相应而言，新的报告周期不能在 2012 年之前开始。同时，劳工局已准备一个法律问题和国际劳工标准委员会可能希望讨论的关于可能按照战略目标进行标准分类的工

¹⁷ 理事会文件 GB.306/PV, 第 206 段(2)。

¹⁸ 理事会文件 GB.306/PV, 第 206 段(4)和 GB.306/LILS/4(修订稿)，第 34 段，第二方案。

作大纲(见附件二)。¹⁹ 正如在 2009 年 11 月提交的文件中所解释的那样,这方面的其中一个困难涉及到就具体种类工人的公约以及涉及到一个以上战略目标公约进行分类。尽管只是为了报告的目的,仍有人建议将这些文书隶属于与其最密切相关的主要战略目标。据悉,专家委员会将继续同时审议这些公约所有条款的适用,尽管有些可能会与其它年度报告的战略目标有所交叉。在这种分类的基础上,将根据理事会的决议为根据第 22 条提交报告准备一个可能的新周期。

评估报告表格

29. 对第 22 条报告表的审议是实施标准战略临时行动计划的一个重要组成部分。它以对 2009 年基本公约报告表的审议开始,与专家委员会协商进行。该项审议导致了 1930 年强迫劳动公约(第 29 号)报告表的一些修改,这些修改于 2010 年 3 月被理事会批准通过。正如理事会第 307 届会议(2010 年 3 月)所同意的那样,下一次审议将涉及职业安全与卫生公约的报告表。该审议也将与专家委员会协商进行,并将于 2011 年 3 月提交给理事会。

一项技术合作计划

30. 国际劳工标准司制定的主要合作计划构成了为促进特定标准的批准和实施而加以制定或执行的不同行动计划(见上述第 21 和 22 段)的框架。这一项长期计划的目标是:根据理事会的决定和监督机构的评论,加强 25 个国家国际劳工组织三方成员批准和有效实施国际劳工标准的能力;在国家和国际计划制定过程中纳入国际劳工标准并使其主流化,包括以基于人权的方式以及共同国家评估——联合国开发援助计划制定机制;促进实施劳工标准的经验、汲取的教训以及良好管理的分享;并提供对关于国际劳工标准及其实施的高质量信息资源和网上报告的准入。
31. 一位技术合作协调员目前负责制定步骤以创建所提议的技术合作计划及其行动计划运作的框架。该协调员将作为国际劳工标准司与总部和地方有关部门,尤其是各区域专家之间的接口,以便向如前所述的那样,保证标准在劳工局所有工作中的不断整合,以及国际劳工标准在国家和跨机构计划制定过程中的主流化。鉴于尚未收到任何资源,该计划需要进一步调整以通过增加的步骤使其得以执行。请委员会确定用于开展强化合作的最初一组国家的挑选标准。这一标准的要素包括:已批准的基本、治理和其它最近的公约的数量;宣布批准这些公约的意向;要求关于批准这些公约的援助;在公约已被批准情况下要求就实施公约提供援助;国际劳工组织监督机构确定的实施法律和实践中的差距的实质。²⁰ 建议先从每个地区的两个国家开始。将请诸国表达对接受这种援助的兴趣,除非它们已经这样做了。外地机构也将密切参与在各国开展活动的准备与实施。与伙伴关系与发展合作司(PARDEV)以及计划与管理局(PROGRAM)合作,

¹⁹ 涉及四个战略目标而且尚未生效的两个已加强的公约,即 2006 年还是劳工公约和 2007 年渔业工作公约,目前尚未被分类。

²⁰ 实施公约与建议书专家委员会每年确定一个能够受益于劳工局技术援助的国家名单。标准实施委员会和结社自由委员会也定期要求各国利用国际劳工组织的技术援助。

对该计划每个单一要素进行更为明确的界定，将有助于资金的筹集。技术性部门和都灵中心将在计划实施中扮演相当重要的角色。

改善对标准系统的准入并扩大标准的能见度

简要介绍有关国际劳工标准司数据库统一项目和即将开通的网上报告系统的最新情况

32. 国际劳工标准司统一数据库项目第一阶段，以及随后的网上报告系统的开发，其主要目的是促进和简化政府网上报名负荷，这项工作是在 2009 年 8 月发起，2009 年 12 月底结束。第一阶段着重于国际劳工标准司四个数据库(APPLIS、ILOLEX、LIBSYND 和 NATLEX)的统一和一个统一化数据模型的设计。该项目的第二和第三阶段已在 2010 年上半年被国际劳工组织信息技术应用咨询委员会(ITAAB)批准，这两个阶段在 2010 和 2011 年的资金筹措已有保障。正在进行中的第二阶段包括对统一应用的具体说明以及该司现有的其中三个数据库中有关数据的转移，而第三阶段将着重于开发一个综合性的网上报告系统。应该忆及的是，该项目也意味着为改善和简化管理该司标准有关活动的某些业务流程提供一次机会。新技术应该提供实现这种简化的技术型解决方案。在测试几个版本的新运用软件之后，带有最后版本的整个项目应该在 2010 年下半年告罄。

触及国际劳工组织三方成员以及更为广泛的公众

33. 国际劳工标准司已在贯彻其通过传播标准方面的信息而触及尽可能广泛的读者的战略。2010 年的大会标准实施委员会报告正像自 2007 年以来一直所做的那样，再次独立于传统的大会会议记录而得以公布。国际劳工标准司也已出版了 2010 年版本的其中包括关于就业文书最新一般性调查的年度国际劳工标准电子图书馆、2010 年版本的国际劳工组织标准实施光驱盘以及 2010 年版关于结社自由与集体谈判的电子图书馆。国际劳工标准司还与国际劳工局安全工作计划携手于最近出版了(2010 年至 2016 年)行动计划以实现职业安全与卫生文书的广泛批准和有效实施。国际劳工标准司和部门活动司与通讯与公共信息司以及都灵中心协作，以该公约的交流、宣传和倡导这一主题为基础，发起了为 2006 年海事劳工公约而制定的一个通讯战略。目标是促进和加强成员国对 2006 年海事劳工公约的批准和实施。就所通过的行动计划而言，此项战略将扩大应用于其它国际劳工组织标准。
34. 委员会或许希望留意上述信息，讨论包含在 25 段至 33 段中的有关问题，并向劳工局提供指导，尤其是就附件二所含的拟议按照战略目标对标准进行分类事宜而言。

2010 年 10 月 22 日，日内瓦。

待决问题：第 24 段(b)。

附件一

关于标准政策的三方协商(2010 年 3 月 17 日)

一、劳工局关于标准政策短信摘要

1. 劳工局短信特别回顾到，保证一个能够回应劳动世界需求、得到广泛批准和有效贯彻实施的富有活力的标准主体的存在，一直是国际劳工组织的一个主要关注。它将国际劳工组织标准政策定义为特别系指确定使劳工组织标准主体与时俱进的最佳方式；识别需要修订的标准；确定和促进新标准；确定标准制订的新议题和新方式；以及准备和通过标准。
2. 短信包含了对过去 20 多年重要标准政策讨论的一个简要回顾。它审议了迄今所使用过的使劳工组织标准主体与时俱进的不同手段与方法，以及社会正义宣言目前所提供的机遇。它简述了几个涉及跟踪有关标准修订政策工作组(“卡蒂尔”工作组)结论的具体建议，以及就标准政策取得新的三方性共识的可能的前进之路。短信的结论是，有必要继续跟踪卡蒂尔工作组结论和继续使标准主体与时俱进的行动。
3. 短信提到了重铸劳工组织制定其标准政策战略的方式的新机遇。这种机遇基于一般性调查议题与周期性报告议题之间的联系，以及随之而来的在劳工大会上两项讨论之间形成的合力。不过，短信也注意到了下列事实所造成的限制，即这些讨论将仅聚焦有关报告所涵盖的公约。
4. 一个可能性的解决方案便是由法律问题和国际劳工标准委员会和理事会对属于所讨论战略目标的诸文书进行一次更为广泛的审议。为此目的，可以更多地利用国际劳工组织公约最后条款中的修订规定，这种规定允许理事会在其认为必要时，向大会提交一份关于一个公约运作的报告，以审议对将其进行全部或部分修订事宜列入劳工大会议程的可取性。劳工局建议，法律问题和国际劳工标准委员会可以确定哪些国际劳工标准应被审议，但在最近一般性调查中已得到审议的标准、基本和治理公约及其相伴的建议书以及已被 2006 年海事劳工大会修订过的海事公约与建议书除外。鉴于卡蒂尔工作组未能包括自 1985 年以来通过的标准，该审议可以涵盖 1985 年和 2000 年之间通过的标准。
5. 短信提出了可以指导这一审议的六项原则。首先，对于卡蒂尔工作组来说，这些建议不应该产生减少已批准公约对工人所提供保护的效果。第二，必要时进行更新的包括现有权利方面的资源应该得到如实的保护而同时又不损害创新需求。第三，所作决定应该回应劳动世界的需求并具关联性。第四，方式方法应从整体着眼，考虑到每一个战略目标对新议题标准的需求、对现有标准修订的需求以及促进标准并提供技术性援助以协助公约批准和有效实施的需求。第五，所作决定应该基于深入的分析。第六，这种决定应该被一致通过。
6. 在为期七年的周期性讨论周期结束之际，劳工组织将已审议完毕所有的最具关联性的文书。这将就有关公约的状况和按照战略目标制定标准的差距向法律问题和国际劳工

标准委员会提供所有必要的指征。这一审议可有助于确定那些需要修订以及应该被促进的文书的进程，并帮助确定新的标准制订事宜。这将反过来提供一种潜力，使标准政策成为整个国际劳工组织为追求其目标而采取的综合性政策中一个不可或缺部分。除了国际劳工标准司之外，该项审议也因此应该涉及技术部门和外地机构。

7. 在此基础上，短信建议，讨论应该聚焦于：1)一个可能的机制以使国际劳工标准主体与时俱进，包括可能使国际劳工大会就一般性调查的讨论结果与作为对社会正义宣言的一种跟踪的周期性报告议题相一致，以便为评估国际劳工组织公约的状况及其可以导致的可能的未来标准制订行动提供一个新的框架；2)考虑到属于 1985 年和 2000 年之间通过的战略目标的其它文书上述第 4 段中略述的文书除外，法律问题和国际劳工标准委员会是否应该确保对国际劳工大会达成的结论采取后续行动。
8. 至于公约的促进，短信回顾到，卡蒂尔工作组已通过获得理事会支持的两种结论。卡蒂尔工作组已邀请所有成员国审议批准最新公约的可能性。同时，卡蒂尔工作组已邀请作为已经修订(或者在某些情况下被更新公约取代)公约缔约国的成员国审议批准关于最新议题的最新公约而同时废弃旧公约的可能性。短信强调，宣传应同时瞄准批准和有效执行。它回顾到，自 1995 年以来，基本公约已经得益于一场非常成功的宣传运动。作为对社会正义宣言的一项跟踪，另一场运动已为四个治理公约发起：即 1947 年劳动监察公约(第 81 号)、1964 年就业政策公约(第 122 号)、1969 年(农业)劳动监察公约(第 129 号)，以及 1976 年(国际劳工标准)三方协商公约(第 144 号)。一项批准和有效实施这些标准的行动计划也已获得理事会批准。¹
9. 短信略述了这一方面的几个重要因素。第一是需要在整个劳工局(包括外地机构)、都灵中心和三方成员的参与下，继续制定行动计划和调动资源以便执行相关行动计划。第二涉及在国家层面跟踪全球就业契约以促进批准实施那些对应对危机最具相关性的标准的重要性。² 第三包括一个可能的基于国家的方式，通过与三方成员就尚未被一个行动计划覆盖的最新公约、批准已修订公约和废弃最旧的公约进行协商而确定国家优先事宜。³ 在国家层面进行的协商进程以及那些在第 144 号公约及其相伴的第 152 号建议书所规定的协商进程，为根据卡蒂尔工作组结论审议国家层面的情况提供了一个大好机会。就体面劳动国别计划进行的各国家的三方讨论也为纳入合适的标准以便保障涉及四个战略目标的最新标准的适度覆盖提供了一次极好的机会。
10. 短信提议，讨论应该聚焦于：是否应该在国际劳工大会的周期性讨论以及一般调查中考虑需要修订的标准；是否应该考虑在按战略目标进行的一般性调查背景下需要进一步提供信息的公约，或者这些信息是否应该由理事会单独要求提供。

¹ 理事会文件 GB.306/PV, 第 208 段(2)。

² 国际劳工局：从危机中复苏：全球就业契约,(日内瓦，2009 年),第 9 段(7)和第 14 段。

³ 强调指出的是，这样一种活动有许多优势：在国家层面，除了对许多国家而言减少所需要的报告数量以外，它应能使每个国家正在执行的标准主体得以合理化和更新，并有助于更新立法。对于劳工组织而言，它可将努力集中于更为现代化的标准，减少必须保证进行跟踪的公约数量，进而使工作负荷合理化。

二、 三方协商结果

A. 一个使标准主体与时俱进的可能的机制

11. 参与协商者一般同意，国际劳工大会对周期性报告的讨论以及在大会标准实施委员对一般性调查的讨论应该为评估国际劳工组织标准的现状和确定可能的新标准议题提供新的框架。与此同时，大家也认识到了这种方式的局限性，因为一般性调查和周期性报告不涵盖与某个战略目标有关的所有标准。
12. 为克服这种局限，正如前面所指出的那样，劳工局建议由法律问题和国际劳工标准委员会作为国际劳工大会的一项后续措施，进行一次审议，涵盖与所涉战略目标有关的其它文书，并依照某些标准。雇主组赞成一个在常设基础上工作的审议机制，并同意法律问题和国际劳工标准委员会应该负责这一任务，先从尚未被卡蒂尔工作组审议的那些标准开始。政府代表同意，法律问题和国际劳工标准委员会应该确保任何必要的对国际劳工大会与标准相关的结论的跟踪行动。工人组指出，跟踪行动的首要责任在于理事会，以便保证在产生于国际劳工大会讨论的任何行动计划中采取一体化的方式。理事会当然可以将就一些具体问题跟踪的职责委托给法律问题和国际劳工标准委员会，但重要的是要防止创建另一个类似于卡蒂尔工作组的机构。工人组提议在讨论一个周期性议题之前举行一次专家会议，以便有可能基于上述第 5 段中谈及的标准而探讨一组特定标准。奥地利政府代表提到了审议那些没有达成共同看法的诸如关于工时的公约。法国政府代表希望，周期性讨论将有助于确定那些可以合并的公约。

B. 对卡蒂尔工作组结论的跟踪

促进最新的及经修订的公约

13. 大部分参与协商人员表达了对劳工局为由理事会确定的最新标准制定行动计划的支持。雇主组支持促进作为就各种重要劳工事宜取得进展的重要工具的有用标准，特别提到了促进基本和优先公约以及职业安全与卫生公约。工人组强调需要在国际劳工标准司与技术部门密切合作下制定一项战略，以保证全球就业契约的实施包括这种行动，即促进被认为与应对危机最具相关性的标准的批准和落实。作为非洲组的代表，尼日利亚政府代表表达了对种种宣传活动的支持，这些活动涉及为了诸如全球就业契约等尤其相关性的公约而包括技术合作与技术援助在内的行动计划。
14. 至于对已修订公约的促进，与会者还表达了对基于国家的方式的一般性支持，以鼓励成员国批准最新的公约，同时废弃关于同样议题的最老的公约。工人组要求提供这一方面的详细情况，并认为一个有效的行动方式将包括向每个政府发送信函或通过应将标准系统地列入在内的体面劳动国别计划而采取行动。这一信息通过在国家层面利用第 144 号公约对社会伙伴也很有用。几个被卡蒂尔工作组归类为最新的文书应该被挑选出来并赋予优先地位。需要国际劳工标准司和技术部门之间进行更为密切的合作。尼日利亚政府代表代表非洲组强调需要公布卡蒂尔工作组结果。作为拉丁美洲和加勒比

集团的代表，委内瑞拉玻利瓦尔共和国政府代表认为这一呼吁是有相关性的，前提是它反映了政府和国家层面社会伙伴的利益。

需要修订和有待于要求提供信息的文件

- 15.** 至于需要修订的标准被纳入周期性讨论和一般性调查讨论的可能性，工人组的看法是，由理事会跟踪卡蒂尔工作所做的建议更为妥当。他们认为，为此目的使用一般性调查可能并不明智，因为可能被覆盖的文件更少。至于在按战略目标进行的一般性调查背景下是否应该考虑那些需要进一步提供信息的标准，或者这种信息是否应由理事会另行要求提供，工人组指出，有必要更为准确无误地确定相关文书和有关战略目标。在此基础上，可将一般性调查所覆盖的和理事会所考虑的内容结合起来使用。澳大利亚政府代表也赞成在相应的调查中，考虑已经要求提供进一步信息的标准，并认为应有可能在周期性讨论之外，比方说在专家会议的背景下，要求提供关于这些标准的更多信息。

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)

Seafarers' Identity Documents Convention, 1958 (No. 108)

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

* Revised by the Maritime Labour Convention, 2006.

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)

- * Revised by the Maritime Labour Convention, 2006.

- * Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)
- Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187)

[Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)]*

Safety, health and welfare (3B. Social protection – Labour protection)

- Seamen's Welfare in Ports Recommendation, 1936 (No. 48)
- * Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
- Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78)
- * Medical Examination (Seafarers) Convention, 1946 (No. 73)
- Seafarers (Medical Care for 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)

- * Revised by the Maritime Labour Convention, 2006.

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)

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)

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

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)

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 ¹ 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)

¹ This classification by subject corresponds to the current classification of standards (see www.ilo.org/ilolex/english/subjectE.htm).

Chemicals Recommendation, 1990 (No. 177)

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.¹
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.

¹ 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.

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.² 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 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),³ and its accompanying Work in Fishing Recommendation, 2007 (No. 199).⁴
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".⁵ 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

² GB.283/2/1, para. 21(b).

³ See www.ilo.org/public/english/dialogue/sector/papers/maritime/c188.pdf.

⁴ See www.ilo.org/public/english/dialogue/sector/papers/maritime/r199.pdf.

⁵ Convention No. 188, Preamble.

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.
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 ...”.⁶
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

⁶ GB. 300/3/1, para. 9.

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, 2006.⁷

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.

⁷ 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 ⁸ 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

⁸ See www.ilo.org/public/spanish/region/eurpro/madrid/download/triptico_in.pdf;
www.ilo.org/public/spanish/dialogue/sector/sectors/mariti/fishing/techcoop.htm;
www.ilo.org/public/spanish/region/eurpro/madrid/eventos/index_pesca.htm.

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.
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

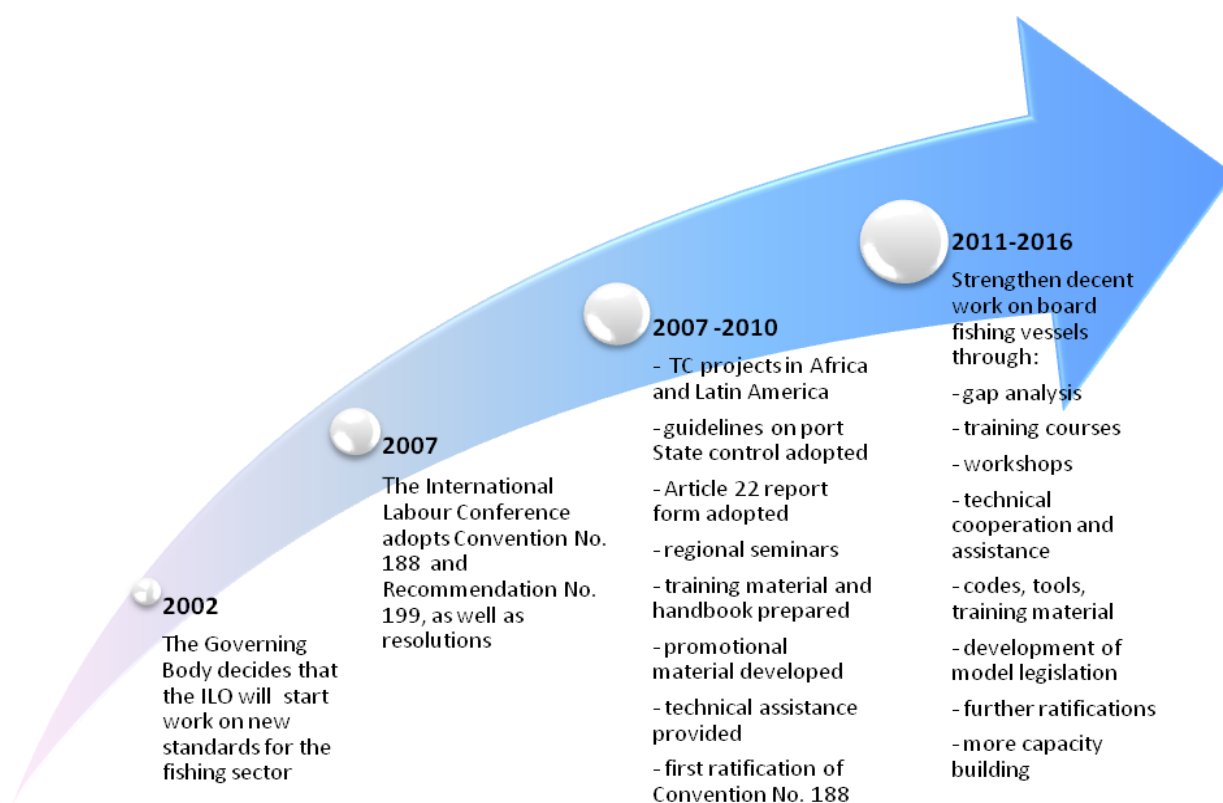
34. The ILO has a long history of working with the FAO and the IMO to improve the safety and health of fishers. This work is relevant to the promotion of Convention No. 188 and Recommendation No. 199, as several joint FAO–ILO–IMO publications are specifically referred to in Recommendation No. 199. Furthermore, 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);⁹
- 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

⁹ 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).

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,¹⁰ 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;
- 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;

¹⁰ 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.

- 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

Outcome number	Outcome description
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 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