



International
Labour
Organization

Gender Equality and Decent Work

*Selected ILO Conventions
and Recommendations
Promoting Gender Equality*



Bureau for Gender Equality &
International Labour Standards Department

**A GENDER
EQUALITY
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Promoting Gender Equality**

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Preface

Gender equality and the ILO

Non-discrimination and promoting equality have been fundamental principles underpinning the work of the International Labour Organization (ILO) since its creation in 1919. These principles are also an integral component of the ILO's Decent Work Agenda: promoting decent and productive work in conditions of freedom, equity, security and human dignity. All workers have the right to decent work, not only those working in the formal economy, but also the self-employed, casual and informal economy workers, as well as those, predominantly women, working in the care economy and private households.

International Labour Standards (Conventions and Recommendations) are one of the ILO's primary means of action to improve working and living conditions of women and men, and promote equality in the workplace for all workers. ILO standards apply equally to women and men, with some exceptions, in particular those standards addressing issues relating to maternity and women's reproductive role. However, there continues to be a gap between the rights set out in national and international standards and the real situation of workers. These rights must be made effective in practice. A major obstacle preventing workers from exercising their rights is a lack of awareness of their existence. Dissemination of information about these rights is, therefore, a vital instrument for improving gender equality. This publication is one element in that dissemination process. It brings together in an easily accessible form a range of International Labour Standards of particular relevance to the promotion of gender equality in the world of work.

While progress has been achieved in the ratification of the fundamental standards promoting equality between women and men and their translation into national law, gender issues also need to be taken into account in the application of other ILO standards. Gender mainstreaming in the application of International Labour Standards:

- helps to ensure that women and men have equal access to benefits derived from these standards;
- recognizes the needs, experiences and interests of both women and men;
- enables stakeholders to manage change;
- demonstrates a willingness to undertake differential measures to respond to the needs and interests of men and women; and
- advocates equality brought about by the implementation of Conventions.

ILO instruments for promoting gender equality

With respect to discrimination in the world of work, the International Labour Organization has the most comprehensive, dedicated instrument on the subject, namely the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). This Convention is also among the most widely ratified, with 165¹ countries having demonstrated their commitment to the principles embodied in this Convention through ratification. It provides that member States are to declare and pursue a national policy to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating discrimination. The prohibited grounds of discrimination enumerated include sex as well as race, colour, religion, political opinion, national extraction and social origin. Another fundamental Convention is the Equal Remuneration

¹ As of the end of August 2006.

Convention, 1951 (No. 100), which specifically addresses the issue of equal remuneration for men and women for work of equal value.² In addition, two other Conventions have been acknowledged as being key gender equality Conventions: the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183).

The rights and principles set out in the fundamental Conventions, which are contained in the first section of this publication, are also reflected in the 1998 Declaration on Fundamental Principles and Rights at Work. The Declaration provides that “all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith, and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.”

Other Conventions with particular implications for gender equality include those on employment promotion, working conditions, and migrant workers. In fact, the gender implications of all ILO standards should be considered in ensuring their effective application. The instruments in this publication, as well as all other ILO Conventions and Recommendations, can be found at www.ilo.org/ilolex/english. This website also provides detailed information on international labour standards, ratification and the supervisory system.

Further information can be obtained from the Equality Team of the International Labour Standards Department and the ILO Bureau for Gender Equality.

² As of the end of August 2006, Convention No. 100 had been ratified by 163 countries.

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- Equal Remuneration C100, R90
- Discrimination (Employment and Occupation) C111, R111
- Minimum Age C138, R146
- Worst Forms of Child Labour C182, R190
- Freedom of Association and Protection of the Right to Organise C87, C98
- Forced Labour C29, R35
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MATERNITY PROTECTION, WORK AND FAMILY

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- Workers with Family Responsibilities C156, R165

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- Employment Policy C122, R122, R169
- Human Resources Development C142, R150
- Termination of Employment C158, R166

WORKING CONDITIONS

- Night Work C89, P1990, C171, R178
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MIGRANT WORKERS

- Migration for Employment C97, R86
- Migrant Workers C143, R151

Convention No. 100

Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Thirty-fourth Session on 6 June 1951, and
Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-ninth day of June of the year one thousand nine hundred and fifty-one the following Convention, which may be cited as the Equal Remuneration Convention, 1951:

Article 1

For the purpose of this Convention —

- (a) the term “remuneration” includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment;
- (b) the term “equal remuneration for men and women workers for work of equal value” refers to rates of remuneration established without discrimination based on sex.

Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

2. This principle may be applied by means of —

- (a) national laws or regulations;
- (b) legally established or recognised machinery for wage determination;
- (c) collective agreements between employers and workers; or
- (d) a combination of these various means.

Article 3

1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.

2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.

3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

Article 4

Each Member shall co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Convention.

(Final Provisions)

Recommendation No. 90

Recommendation concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Thirty-fourth Session on 6 June 1951, and
 Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing the Equal Remuneration Convention, 1951,

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

Whereas the Equal Remuneration Convention, 1951, lays down certain general principles concerning equal remuneration for men and women workers for work of equal value;

Whereas the Convention provides that the application of the principle of equal remuneration for men and women workers for work of equal value shall be promoted or ensured by means appropriate to the methods in operation for determining rates of remuneration in the countries concerned;

Whereas it is desirable to indicate certain procedures for the progressive application of the principles laid down in the Convention;

Whereas it is at the same time desirable that all Members should, in applying these principles, have regard to methods of application which have been found satisfactory in certain countries;

The Conference recommends that each Member should, subject to the provisions of Article 2 of the Convention, apply the following provisions and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto:

1. Appropriate action should be taken, after consultation with the workers' organisations concerned or, where such organisations do not exist, with the workers concerned —

- (a) to ensure the application of the principle of equal remuneration for men and women workers for work of equal value to all employees of central government departments or agencies; and
- (b) to encourage the application of the principle to employees of state, provincial or local government departments or agencies, where these have jurisdiction over rates of remuneration.

2. Appropriate action should be taken, after consultation with the employers' and workers' organisations concerned, to ensure, as rapidly as practicable, the application of the principle of equal remuneration for men and women workers for work of equal value in all occupations, other than those mentioned in Paragraph 1, in which rates of remuneration are subject to statutory regulation or public control, particularly as regards —

- (a) the establishment of minimum or other wage rates in industries and services where such rates are determined under public authority;
- (b) industries and undertakings operated under public ownership or control; and
- (c) where appropriate, work executed under the terms of public contracts.

3. (1) Where appropriate in the light of the methods in operation for the determination of rates of remuneration, provision should be made by legal enactment for the general application of the principle of equal remuneration for men and women workers for work of equal value.

(2) The competent public authority should take all necessary and appropriate measures to ensure that employers and workers are fully informed as to such legal requirements and, where appropriate, advised on their application.

4. When, after consultation with the organisations of workers and employers concerned, where such exist, it is not deemed feasible to implement immediately the principle of equal remuneration for men and women workers for work of equal value, in respect of employment covered by Paragraph 1, 2 or 3, appropriate provision should be made or caused to be made, as soon as possible, for its progressive application, by such measures as —

- (a) decreasing the differentials between rates of remuneration for men and rates of remuneration for women for work of equal value;
- (b) where a system of increments is in force, providing equal increments for men and women workers performing work of equal value.

5. Where appropriate for the purpose of facilitating the determination of rates of remuneration in accordance with the principle of equal remuneration for men and women workers for work of equal value, each Member should, in agreement with the employers' and workers' organisations concerned, establish or encourage the establishment of methods for objective appraisal of the work to be performed, whether by job analysis or by other procedures, with a view to providing a classification of jobs without regard to sex; such methods should be applied in accordance with the provisions of Article 2 of the Convention.

6. In order to facilitate the application of the principle of equal remuneration for men and women workers for work of equal value, appropriate action should be taken, where necessary, to raise the productive efficiency of women workers by such measures as —

- (a) ensuring that workers of both sexes have equal or equivalent facilities for vocational guidance or employment counselling, for vocational training and for placement;
- (b) taking appropriate measures to encourage women to use facilities for vocational guidance or employment counselling, for vocational training and for placement;
- (c) providing welfare and social services which meet the needs of women workers, particularly those with family responsibilities, and financing such services from general public funds or from social security or industrial welfare funds financed by payments made in respect of workers without regard to sex; and
- (d) promoting equality of men and women workers as regards access to occupations and posts without prejudice to the provisions of international regulations and of national laws and regulations concerning the protection of the health and welfare of women.

7. Every effort should be made to promote public understanding of the grounds on which it is considered that the principle of equal remuneration for men and women workers for work of equal value should be implemented.

8. Such investigations as may be desirable to promote the application of the principle should be undertaken.

Convention No. 111

Convention concerning Discrimination in Respect of Employment and Occupation, 1958

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and
 Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention, and
 Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and
 Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights,
 adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

Article 1

1. For the purpose of this Convention the term “discrimination” includes —
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms “employment” and “occupation” include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice,

equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice —

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

(Final Provisions)

Recommendation No. 111

Recommendation concerning Discrimination in Respect of Employment and Occupation, 1958

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-second Session on 4 June 1958, and
 Having decided upon the adoption of certain proposals with regard to discrimination in the field
 of employment and occupation, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Discrimination (Employment and Occupation) Convention, 1958,
 adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the fol-
 lowing Recommendation, which may be cited as the Discrimination (Employment and Occupa-
 tion) Recommendation, 1958:

The Conference recommends that each Member should apply the following provisions:

I. DEFINITIONS

1. (1) For the purpose of this Recommendation the term “discrimination” includes —
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, polit-
ical opinion, national extraction or social origin, which has the effect of nullifying or impair-
ing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impair-
ing equality of opportunity or treatment in employment or occupation as may be determined
by the Member concerned after consultation with representative employers’ and workers’
organisations, where such exist, and with other appropriate bodies.
- (2) Any distinction, exclusion or preference in respect of a particular job based on the inher-
ent requirements thereof is not deemed to be discrimination.
- (3) For the purpose of this Recommendation the terms “employment” and “occupation”
include access to vocational training, access to employment and to particular occupations, and
terms and conditions of employment.

II. FORMULATION AND APPLICATION OF POLICY

2. Each Member should formulate a national policy for the prevention of discrimination in
employment and occupation. This policy should be applied by means of legislative measures, col-
lective agreements between representative employers’ and workers’ organisations or in any other
manner consistent with national conditions and practice, and should have regard to the following
principles:

- (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;
- (b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of —
 - (i) access to vocational guidance and placement services;
 - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
 - (iii) advancement in accordance with their individual character, experience, ability and diligence;
 - (iv) security of tenure of employment;
 - (v) remuneration for work of equal value;
 - (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (c) government agencies should apply non-discriminatory employment policies in all their activities;
- (d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;
- (e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;
- (f) employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

3. Each Member should —

- (a) ensure application of the principles of non-discrimination —
 - (i) in respect of employment under the direct control of a national authority;
 - (ii) in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (b) promote their observance, where practicable and necessary, in respect of other employment and other vocational guidance, vocational training and placement services by such methods as —
 - (i) encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles;
 - (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
 - (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles.

4. Appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment, and in particular —

- (a) to take all practicable measures to foster public understanding and acceptance of the principles of non-discrimination;
- (b) to receive, examine and investigate complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy; and

(c) to consider further any complaints which cannot be effectively settled by conciliation and to render opinions or issue decisions concerning the manner in which discriminatory practices revealed should be corrected.

5. Each Member should repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy.

6. Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance.

7. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.

8. With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949, relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment.

9. There should be continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

III. CO-ORDINATION OF MEASURES FOR THE PREVENTION OF DISCRIMINATION IN ALL FIELDS

10. The authorities responsible for action against discrimination in employment and occupation should co-operate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be co-ordinated.

Convention No. 138**Convention concerning Minimum Age
for Admission to Employment, 1973**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Fifty-eighth Session on 6 June 1973, and
Having decided upon the adoption of certain proposals with regard to minimum age for admission
to employment, which is the fourth item on the agenda of the session, and
Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Con-
vention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trim-
mers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Con-
vention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age
(Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment)
Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Min-
imum Age (Underground Work) Convention, 1965, and
Considering that the time has come to establish a general instrument on the subject, which would
gradually replace the existing ones applicable to limited economic sectors, with a view to
achieving the total abolition of child labour, and
Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the
following Convention, which may be cited as the Minimum Age Convention, 1973:

Article 1

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

Article 2

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

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

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

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

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

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

Article 3

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

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

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

Article 4

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

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

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

Article 5

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

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

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

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

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

Article 6

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

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

Article 7

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

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

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

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

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

Article 8

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

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

Article 9

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

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

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

Article 10

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

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

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

4. When the obligations of this Convention are accepted—
- (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,
 - (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,

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

5. Acceptance of the obligations of this Convention—

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

(Final Provision)

Recommendation No. 146**Recommendation concerning Minimum Age
for Admission to Employment, 1973**

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Fifty-eighth Session on 6 June 1973, and
 Recognising that the effective abolition of child labour and the progressive raising of the minimum
 age for admission to employment constitute only one aspect of the protection and advance-
 ment of children and young persons, and
 Noting the concern of the whole United Nations system with such protection and advancement, and
 Having adopted the Minimum Age Convention, 1973, and
 Desirous to define further certain elements of policy which are the concern of the International
 Labour Organisation, and
 Having decided upon the adoption of certain proposals regarding minimum age for admission to
 employment, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Minimum Age Convention, 1973,
 adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three, the
 following Recommendation, which may be cited as the Minimum Age Recommendation, 1973:

I. NATIONAL POLICY

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

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

- (a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;
- (b) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;
- (c) the development and progressive extension, without any discrimination, of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;

(d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;

(e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development.

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

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

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

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

II. MINIMUM AGE

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

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

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

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

III. HAZARDOUS EMPLOYMENT OR WORK

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

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

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

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

IV. CONDITIONS OF EMPLOYMENT

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

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

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

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

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

V. ENFORCEMENT

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

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

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

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

15. Special attention should be paid—

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

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

- (a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;

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

Convention No. 182**Convention concerning the Prohibition
and Immediate Action for the Elimination
of the Worst Forms of Child Labour, 1999**

The General Conference of the International Labour Organization,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its 87th Session on 1 June 1999, and
 Considering the need to adopt new instruments for the prohibition and elimination of the worst
 forms of child labour, as the main priority for national and international action, including
 international cooperation and assistance, to complement the Convention and the Recom-
 mendation concerning Minimum Age for Admission to Employment, 1973, which remain
 fundamental instruments on child labour, and
 Considering that the effective elimination of the worst forms of child labour requires immediate
 and comprehensive action, taking into account the importance of free basic education and the
 need to remove the children concerned from all such work and to provide for their rehabili-
 tation and social integration while addressing the needs of their families, and
 Recalling the resolution concerning the elimination of child labour adopted by the International
 Labour Conference at its 83rd Session in 1996, and
 Recognizing that child labour is to a great extent caused by poverty and that the long-term solu-
 tion lies in sustained economic growth leading to social progress, in particular poverty alle-
 viation and universal education, and
 Recalling the Convention on the Rights of the Child adopted by the United Nations General
 Assembly on 20 November 1989, and
 Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up,
 adopted by the International Labour Conference at its 86th Session in 1998, and
 Recalling that some of the worst forms of child labour are covered by other international instru-
 ments, in particular the Forced Labour Convention, 1930, and the United Nations Supple-
 mentary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and
 Practices Similar to Slavery, 1956, and
 Having decided upon the adoption of certain proposals with regard to child labour, which is the
 fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention;
 adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the
 following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

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

Article 2

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

Article 3

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

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

Article 4

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

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

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

Article 5

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

Article 6

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

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

Article 7

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

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

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

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

Article 8

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

(Final Provisions)

Recommendation No. 190**Recommendation concerning the Prohibition
and Immediate Action for the Elimination
of the Worst Forms of Child Labour, 1999**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its 87th Session on 1 June 1999, and
Having adopted the Worst Forms of Child Labour Convention, 1999, and
Having decided upon the adoption of certain proposals with regard to child labour, which is the
fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation supplementing
the Worst Forms of Child Labour Convention, 1999;
adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the fol-
lowing Recommendation, which may be cited as the Worst Forms of Child Labour Recommen-
dation, 1999.

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

I. PROGRAMMES OF ACTION

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

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

- (e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

II. HAZARDOUS WORK

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

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

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

III. IMPLEMENTATION

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

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

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

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

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

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

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

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

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

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

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

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

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

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

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

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

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

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

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Convention No. 87**Convention concerning Freedom of Association and
Protection of the Right to Organise, 1948**

The General Conference of the International Labour Organisation,
Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948,
Having decided to adopt, in the form of a Convention, certain proposals concerning freedom of association and protection of the right to organise, which is the seventh item on the agenda of the session,
Considering that the Preamble to the Constitution of the International Labour Organisation declares “recognition of the principle of freedom of association to be a means of improving conditions of labour and of establishing peace”,
Considering that the Declaration of Philadelphia reaffirms that “freedom of expression and of association are essential to sustained progress”,
Considering that the International Labour Conference, at its Thirtieth Session, unanimously adopted the principles which should form the basis for international regulation,
Considering that the General Assembly of the United Nations, at its Second Session, endorsed these principles and requested the International Labour Organisation to continue every effort in order that it may be possible to adopt one or several international Conventions,
adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Freedom of Association and Protection of the Right to Organise Convention, 1948:

PART I. FREEDOM OF ASSOCIATION*Article 1*

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

Article 2

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

Article 3

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

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

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

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

Article 9

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

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

Article 10

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

PART II. PROTECTION OF THE RIGHT TO ORGANISE

Article 11

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

(Final Provisions)

Convention No. 98

C98

**Convention concerning the Application
of the Principles of the Right to Organise
and to Bargain Collectively, 1949**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Thirty-second Session on 8 June 1949, and
Having decided upon the adoption of certain proposals concerning the application of the principles of the right to organise and to bargain collectively, which is the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention,
adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Right to Organise and Collective Bargaining Convention, 1949:

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to —
 - (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
 - (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

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

Article 4

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

Article 5

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

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

Article 6

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

(Final Provisions)

C98

Convention No. 29

C29

Convention concerning Forced or Compulsory Labour, 1930

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

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.
3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

Article 2

1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include—
 - (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
 - (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

C29

Article 3

For the purposes of this Convention the term competent authority shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

Article 5

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

Articles 6-26: Transitional provisions

Recommendation No. 35**Recommendation concerning
Indirect Compulsion to Labour, 1930****R35**

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

Having adopted a Convention concerning forced or compulsory labour, and

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

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

I

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

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

II

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

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

III

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

R35

Convention No. 105**Convention concerning the Abolition
of Forced Labour, 1957****C105**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Fortieth Session on 5 June 1957, and
Having considered the question of forced labour, which is the fourth item on the agenda of the session, and
Having noted the provisions of the Forced Labour Convention, 1930, and
Having noted that the Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom, and
Having noted that the Protection of Wages Convention, 1949, provides that wages shall be paid regularly and prohibits methods of payment which deprive the worker of a genuine possibility of terminating his employment, and
Having decided upon the adoption of further proposals with regard to the abolition of certain forms of forced or compulsory labour constituting a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights, and
Having determined that these proposals shall take the form of an international Convention,
adopts the twenty-fifth day of June of the year one thousand nine hundred and fifty-seven, the following Convention, which may be cited as the Abolition of Forced Labour Convention, 1957:

Article 1

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

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

Article 2

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

(Final Provisions)

FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

- Equal Remuneration C100, R90
- Discrimination (Employment and Occupation) C111, R111
- Minimum Age C138, R146
- Worst Forms of Child Labour C182, R190
- Freedom of Association and Protection of the Right to Organise C87, C98
- Forced Labour C29, R35
- Abolition of Forced Labour C105

MATERNITY PROTECTION, WORK AND FAMILY

- Maternity Protection C103, R95, C183, R191
- Workers with Family Responsibilities C156, R165

EMPLOYMENT PROMOTION

- Employment Policy C122, R122, R169
- Human Resources Development C142, R150
- Termination of Employment C158, R166

WORKING CONDITIONS

- Night Work C89, P1990, C171, R178
- Home Work C177, R184
- Part-time Work C175, R182
- Occupational Safety and Health C155, P2002, R164

MIGRANT WORKERS

- Migration for Employment C97, R86
- Migrant Workers C143, R151

Convention No. 103

Convention concerning Maternity Protection (Revised 1952)¹

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Thirty-fifth Session on 4 June 1952, and
Having decided upon the adoption of certain proposals with regard to maternity protection, which
is the seventh item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-two the
following Convention, which may be cited as the Maternity Protection Convention (Revised),
1952:

C103

Article 1

1. This Convention applies to women employed in industrial undertakings and in non-industrial and agricultural occupations, including women wage earners working at home.

2. For the purpose of this Convention, the term “industrial undertaking comprises public and private undertakings and any branch thereof and includes particularly —

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

3. For the purpose of this Convention, the term “non-industrial occupations” includes all occupations which are carried on in or in connection with the following undertakings or services, whether public or private:

- (a) commercial establishments;
- (b) postal and telecommunication services;
- (c) establishments and administrative services in which the persons employed are mainly engaged in clerical work;

¹ Ed.: This Convention came into force on 7 September 1955. It was revised by Convention no. 183 in 2000 and is therefore no longer open to new ratifications.

- (d) newspaper undertakings;
- (e) hotels, boarding houses, restaurants, clubs, cafés and other refreshment houses;
- (f) establishments for the treatment and care of the sick, infirm or destitute and of orphans;
- (g) theatres and places of public entertainment;
- (h) domestic work for wages in private households;

and any other non-industrial occupations to which the competent authority may decide to apply the provisions of the Convention.

4. For the purpose of this Convention, the term “agricultural occupations” includes all occupations carried on in agricultural undertakings, including plantations and large-scale industrialised agricultural undertakings.

5. In any case in which it is doubtful whether this Convention applies to an undertaking, branch of an undertaking or occupation, the question shall be determined by the competent authority after consultation with the representative organisations of employers and workers concerned where such exist.

6. National laws or regulations may exempt from the application of this Convention undertakings in which only members of the employer’s family, as defined by national laws or regulations, are employed.

C103

Article 2

For the purpose of this Convention, the term “woman” means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term “child” means any child whether born of marriage or not.

Article 3

1. A woman to whom this Convention applies shall, on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.

2. The period of maternity leave shall be at least twelve weeks, and shall include a period of compulsory leave after confinement.

3. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

4. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

5. In case of illness medically certified arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

6. In case of illness medically certified arising out of confinement, the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

Article 4

1. While absent from work on maternity leave in accordance with the provisions of Article 3, the woman shall be entitled to receive cash and medical benefits.

2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3. Medical benefits shall include pre-natal, confinement and post-natal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected.

4. The cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds; in either case they shall be provided as a matter of right to all women who comply with the prescribed conditions.

5. Women who fail to qualify for benefits provided as a matter of right shall be entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds.

6. Where cash benefits provided under compulsory social insurance are based on previous earnings, they shall be at a rate of not less than two-thirds of the woman's previous earnings taken into account for the purpose of computing benefits.

7. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex.

8. In no case shall the employer be individually liable for the cost of such benefits due to women employed by him.

Article 5

1. If a woman is nursing her child she shall be entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations.

2. Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

Article 6

While a woman is absent from work on maternity leave in accordance with the provisions of Article 3 of this Convention, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence.

Article 7

1. Any Member of the International Labour Organisation which ratifies this Convention may, by a declaration accompanying its ratification, provide for exceptions from the application of the Convention in respect of —

- (a) certain categories of non-industrial occupations;
- (b) occupations carried on in agricultural undertakings, other than plantations;
- (c) domestic work for wages in private households;
- (d) women wage earners working at home;
- (e) undertakings engaged in the transport of passengers or goods by sea.

2. The categories of occupations or undertakings in respect of which the Member proposes to have recourse to the provisions of paragraph 1 of this Article shall be specified in the declaration accompanying its ratification.

3. Any Member which has made such a declaration may at any time cancel that declaration, in whole or in part, by a subsequent declaration.

4. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the position of its law and practice in respect of the occupations or undertakings to which paragraph 1 of this Article applies in virtue of the said declaration and the extent to which effect has been given or is proposed to be given to the Convention in respect of such occupations or undertakings.

5. At the expiration of five years from the first entry into force of this Convention, the Governing Body of the International Labour Office shall submit to the Conference a special report concerning the application of these exceptions, containing such proposals as it may think appropriate for further action in regard to the matter.

(Final Provisions)

Recommendation No. 95

Recommendation concerning Maternity Protection, 1952

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Thirty-fifth Session on 4 June 1952, and
 Having decided upon the adoption of certain proposals with regard to maternity protection, which
 is the seventh item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Maternity Protection Convention (Revised), 1952,
 adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-two the following Recommendation, which may be cited as the Maternity Protection Recommendation, 1952.

R95

I. MATERNITY LEAVE

1. (1) Where necessary to the health of the woman and wherever practicable, the maternity leave provided for in Article 3, paragraph 2, of the Maternity Protection Convention (Revised), 1952, should be extended to a total period of 14 weeks.

(2) The supervisory bodies should have power to prescribe in individual cases, on the basis of a medical certificate, a further extension of the ante-natal and post-natal leave provided for in paragraphs 4, 5 and 6 of Article 3 of the Maternity Protection Convention (Revised), 1952, if such an extension seems necessary for safeguarding the health of the mother and the child, and, in particular, in the event of actual or threatening abnormal conditions, such as miscarriage and other ante-natal and post-natal complications.

II. MATERNITY BENEFITS

2. (1) Wherever practicable the cash benefits to be granted in conformity with Article 4 of the Maternity Protection Convention (Revised), 1952, should be fixed at a higher rate than the minimum standard provided in the Convention, equalling, where practicable, 100 per cent of the woman's previous earnings taken into account for the purpose of computing benefits.

(2) Wherever practicable the medical benefits to be granted in conformity with Article 4 of the said Convention should comprise general practitioner and specialist out-patient and in-patient care, including domiciliary visiting; dental care; the care given by qualified midwives and other maternity services at home or in hospital; nursing care at home or in hospital or other medical institutions; maintenance in hospitals or other medical institutions; pharmaceutical, dental or other medical or surgical supplies; and the care furnished under appropriate medical supervision by members of such other profession as may at any time be legally recognised as competent to furnish services associated with maternity care.

(3) The medical benefit should be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.

(4) The institutions or government departments administering the medical benefit should encourage the women protected, by such means as may be deemed appropriate, to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

(5) In addition, national laws or regulations may authorise such institutions or government departments to make provision for the promotion of the health of the women protected and their infants.

(6) Other benefits in kind or in cash, such as layettes or payment for the purchase of layettes, the supply of milk or of nursing allowance for nursing mothers, etc., might be usefully added to the benefits mentioned in subparagraphs (1) and (2) of this Paragraph.

III. FACILITIES FOR NURSING MOTHERS AND INFANTS

3. (1) Wherever practicable nursing breaks should be extended to a total period of at least one-and-a-half hours during the working day and adjustments in the frequency and length of the nursing periods should be permitted on production of a medical certificate.

(2) Provision should be made for the establishment of facilities for nursing or day care, preferably outside the undertakings where the women are working; wherever possible provision should be made for the financing or at least subsidising of such facilities at the expense of the community or by compulsory social insurance.

(3) The equipment and hygienic requirements of the facilities for nursing and day care and the number and qualifications of the staff of the latter should comply with adequate standards laid down by appropriate regulations, and they should be approved and supervised by the competent authority.

IV. PROTECTION OF EMPLOYMENT

4. (1) Wherever possible the period before and after confinement during which the woman is protected from dismissal by the employer in accordance with Article 6 of the Maternity Protection Convention (Revised), 1952, should be extended to begin as from the date when the employer of the woman has been notified by medical certificate of her pregnancy and to continue until one month at least after the end of the period of maternity leave provided for in Article 3 of the Convention.

(2) Among the legitimate reasons for dismissal during the protected period to be defined by law should be included cases of serious fault on the part of the employed woman, shutting down of the undertaking or expiry of the contract of employment. Where works councils exist it would be desirable that they should be consulted regarding such dismissals.

(3) During her legal absence from work before and after confinement, the seniority rights of the woman should be preserved as well as her right to reinstatement in her former work or in equivalent work paid at the same rate.

V. PROTECTION OF THE HEALTH OF EMPLOYED WOMEN DURING THE MATERNITY PERIOD

5. (1) Night work and overtime work should be prohibited for pregnant and nursing women and their working hours should be planned so as to ensure adequate rest periods.

(2) Employment of a woman on work prejudicial to her health or that of her child, as defined by the competent authority, should be prohibited during pregnancy and up to at least three months after confinement and longer if the woman is nursing her child.

(3) Work falling under the provisions of subparagraph (2) should include, in particular —

- (a) any hard labour involving —
 - (i) heavy weight-lifting, pulling or pushing; or
 - (ii) undue and unaccustomed physical strain, including prolonged standing;
 - (b) work requiring special equilibrium; and
 - (c) work with vibrating machines.
- (4) A woman ordinarily employed at work defined as prejudicial to health by the competent authority should be entitled without loss of wages to a transfer to another kind of work not harmful to her health.
- (5) Such a right of transfer should also be given for reasons of maternity in individual cases to any woman who presents a medical certificate stating that a change in the nature of her work is necessary in the interest of her health and that of her child.

Convention 183**Convention concerning
the Revision of the Maternity Protection
Convention (Revised), 2000**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its 88th Session on 30 May 2000, and

Noting the need to revise the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952, in order to further promote equality of all women in the workforce and the health and safety of the mother and child, and in order to recognize the diversity in economic and social development of Members, as well as the diversity of enterprises, and the development of the protection of maternity in national law and practice, and

Noting the provisions of the Universal Declaration of Human Rights (1948), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), the United Nations Convention on the Rights of the Child (1989), the Beijing Declaration and Platform for Action (1995), the International Labour Organization's Declaration on Equality of Opportunity and Treatment for Women Workers (1975), the International Labour Organization's Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998), as well as the international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, in particular the Convention concerning Workers with Family Responsibilities, 1981, and

Taking into account the circumstances of women workers and the need to provide protection for pregnancy, which are the shared responsibility of government and society, and

Having decided upon the adoption of certain proposals with regard to the revision of the Maternity Protection Convention (Revised), 1952, and Recommendation, 1952, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;
adopts this fifteenth day of June of the year two thousand the following Convention, which may be cited as the Maternity Protection Convention, 2000.

Article 1

For the purposes of this Convention, the term “woman” applies to any female person without discrimination whatsoever and the term “child” applies to any child without discrimination whatsoever.

Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

HEALTH PROTECTION

Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

MATERNITY LEAVE

Article 4

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

LEAVE IN CASE OF ILLNESS OR COMPLICATIONS

Article 5

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

BENEFITS

Article 6

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:

- (a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or
- (b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefor and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including – notwithstanding Article 2, paragraph 1 – access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
- (b) where there is a recognized or significant risk to the health of the woman and child.

BREASTFEEDING MOTHERS

Article 10

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

PERIODIC REVIEW

Article 11

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

IMPLEMENTATION

Article 12

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.

FINAL PROVISIONS

Article 13

This Convention revises the Maternity Protection Convention (Revised), 1952.

(Final Provisions)

Recommendation No. 191

Recommendation concerning the Revision of the Maternity Protection Recommendation, 2000

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its 88th Session on 30 May 2000, and
Having decided upon the adoption of certain proposals with regard to maternity protection, which
is the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation supplementing
the Maternity Protection Convention, 2000 (hereinafter referred to as “the Convention”),
adopts this fifteenth day of June of the year two thousand the following Recommendation, which
may be cited as the Maternity Protection Recommendation, 2000.

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MATERNITY LEAVE

1. (1) Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.
- (2) Provision should be made for an extension of the maternity leave in the event of multiple births.
- (3) To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.

BENEFITS

2. Where practicable, and after consultation with the representative organizations of employers and workers, the cash benefits to which a woman is entitled during leave referred to in Articles 4 and 5 of the Convention should be raised to the full amount of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.
3. To the extent possible, the medical benefits provided for in Article 6, paragraph 7, of the Convention should include:
 - (a) care given in a doctor's office, at home or in a hospital or other medical establishment by a general practitioner or a specialist;
 - (b) maternity care given by a qualified midwife or by another maternity service at home or in a hospital or other medical establishment;
 - (c) maintenance in a hospital or other medical establishment;

- (d) any necessary pharmaceutical and medical supplies, examinations and tests prescribed by a medical practitioner or other qualified person; and
- (e) dental and surgical care.

FINANCING OF BENEFITS

4. Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, should be paid in respect of the total number of men and women employed, without distinction of sex.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

5. A woman should be entitled to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Article 5 of the Convention. The period of leave referred to in Articles 4 and 5 of the Convention should be considered as a period of service for the determination of her rights.

HEALTH PROTECTION

6. (1) Members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made available to the woman concerned.

(2) In any of the situations referred to in Article 3 of the Convention or where a significant risk has been identified under subparagraph (1) above, measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of:

- (a) elimination of risk;
- (b) an adaptation of her conditions of work;
- (c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or
- (d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

(3) Measures referred to in subparagraph (2) should in particular be taken in respect of:

- (a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;
- (b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;
- (c) work requiring special equilibrium;
- (d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.

(4) A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing.

(5) The woman should retain the right to return to her job or an equivalent job as soon as it is safe for her to do so.

(6) A woman should be allowed to leave her workplace, if necessary, after notifying her employer, for the purpose of undergoing medical examinations relating to her pregnancy.

BREASTFEEDING MOTHERS

7. On production of a medical certificate or other appropriate certification as determined by national law and practice, the frequency and length of nursing breaks should be adapted to particular needs.

8. Where practicable and with the agreement of the employer and the woman concerned, it should be possible to combine the time allotted for daily nursing breaks to allow a reduction of hours of work at the beginning or at the end of the working day.

9. Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.

RELATED TYPES OF LEAVE

10. (1) In the case of the death of the mother before the expiry of postnatal leave, the employed father of the child should be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.

(2) In the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, the employed father of the child should be entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave, in accordance with national law and practice, to look after the child.

(3) The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave.

(4) The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any manner consistent with national practice.

(5) Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection.

Convention No. 156

Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981

- The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and
- Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that “all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and
- Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and
- Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and
- Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and
- Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and
- Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are “aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women”, and
- Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and
- Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and
- Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities and recognising the need to improve the conditions of the latter

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both by measures responding to their special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Workers with Family Responsibilities Convention, 1981:

Article 1

1. This Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

2. The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

3. For the purposes of this Convention, the terms “dependent child” and “other member of the immediate family who clearly needs care or support” mean persons defined as such in each country by one of the means referred to in Article 9 of this Convention.

4. The workers covered by virtue of paragraphs 1 and 2 of this Article are hereinafter referred to as “workers with family responsibilities”.

Article 2

This Convention applies to all branches of economic activity and all categories of workers.

Article 3

1. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

2. For the purposes of paragraph 1 of this Article, the term “discrimination” means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

Article 4

With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken —

- (a) to enable workers with family responsibilities to exercise their right to free choice of employment; and
- (b) to take account of their needs in terms and conditions of employment and in social security.

Article 5

All measures compatible with national conditions and possibilities shall further be taken —

- (a) to take account of the needs of workers with family responsibilities in community planning; and

- (b) to develop or promote community services, public or private, such as child-care and family services and facilities.

Article 6

The competent authorities and bodies in each country shall take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

Article 7

All measures compatible with national conditions and possibilities, including measures in the field of vocational guidance and training, shall be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

Article 8

Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 9

The provisions of this Convention may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

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Article 10

1. The provisions of this Convention may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken shall apply in any case to all the workers covered by Article 1, paragraph 1.

2. Each Member which ratifies this Convention shall indicate in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation in what respect, if any, it intends to make use of the faculty given by paragraph 1 of this Article, and shall state in subsequent reports the extent to which effect has been given or is proposed to be given to the Convention in that respect.

Article 11

Employers' and workers' organisations shall have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Convention.

(Final Provisions)

Recommendation No. 165**Recommendation concerning Equal Opportunities
and Equal Treatment for Men and Women Workers:
Workers with Family Responsibilities, 1981**

The General Conference of the International Labour Organisation,

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

Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that “all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, and

Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and

Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and

Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and

Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and

Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are “aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women, and

Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and

Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and

Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities and recognising the need to improve the conditions of the latter

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both by measures responding to their special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

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

adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one the following Recommendation, which may be cited as the Workers with Family Responsibilities Recommendation, 1981:

I. DEFINITION, SCOPE AND MEANS OF IMPLEMENTATION

1. (1) This Recommendation applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

(2) The provisions of this Recommendation should also be applied to men and women workers with responsibilities in relation to other members of their immediate family who need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

(3) For the purposes of this Recommendation, the terms “dependent child” and “other member of the immediate family who needs care or support” mean persons defined as such in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(4) The workers covered by virtue of subparagraphs (1) and (2) of this Paragraph are hereinafter referred to as “workers with family responsibilities.”

2. This Recommendation applies to all branches of economic activity and all categories of workers.

3. The provisions of this Recommendation may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

4. The provisions of this Recommendation may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken should apply in any case to all the workers covered by Paragraph 1, subparagraph (1).

5. Employers’ and workers’ organisations should have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Recommendation.

II. NATIONAL POLICY

6. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member should make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

7. Within the framework of a national policy to promote equality of opportunity and treatment for men and women workers, measures should be adopted and applied with a view to preventing direct or indirect discrimination on the basis of marital status or family responsibilities.

8. (1) For the purposes of Paragraphs 6 and 7 above, the term “discrimination” means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

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(2) During a transitional period special measures aimed at achieving effective equality between men and women workers should not be regarded as discriminatory.

9. With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities should be taken —

- (a) to enable workers with family responsibilities to exercise their right to vocational training and to free choice of employment;
- (b) to take account of their needs in terms and conditions of employment and in social security; and
- (c) to develop or promote child-care, family and other community services, public or private, responding to their needs.

10. The competent authorities and bodies in each country should take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

11. The competent authorities and bodies in each country should take appropriate measures —

- (a) to undertake or promote such research as may be necessary into the various aspects of the employment of workers with family responsibilities with a view to providing objective information on which sound policies and measures may be based; and
- (b) to promote such education as will encourage the sharing of family responsibilities between men and women and enable workers with family responsibilities better to meet their employment and family responsibilities.

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III. TRAINING AND EMPLOYMENT

12. All measures compatible with national conditions and possibilities should be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

13. In accordance with national policy and practice, vocational training facilities and, where possible, paid educational leave arrangements to use such facilities should be made available to workers with family responsibilities.

14. Such services as may be necessary to enable workers with family responsibilities to enter or re-enter employment should be available, within the framework of existing services for all workers or, in default thereof, along lines appropriate to national conditions; they should include, free of charge to the workers, vocational guidance, counselling, information and placement services which are staffed by suitably trained personnel and are able to respond adequately to the special needs of workers with family responsibilities.

15. Workers with family responsibilities should enjoy equality of opportunity and treatment with other workers in relation to preparation for employment, access to employment, advancement within employment and employment security.

16. Marital status, family situation or family responsibilities should not, as such, constitute valid reasons for refusal or termination of employment.

IV. TERMS AND CONDITIONS OF EMPLOYMENT

17. All measures compatible with national conditions and possibilities and with the legitimate interests of other workers should be taken to ensure that terms and conditions of employment are such as to enable workers with family responsibilities to reconcile their employment and family responsibilities.

18. Particular attention should be given to general measures for improving working conditions and the quality of working life, including measures aiming at —

- (a) the progressive reduction of daily hours of work and the reduction of overtime, and
- (b) more flexible arrangements as regards working schedules, rest periods and holidays, account being taken of the stage of development and the particular needs of the country and of different sectors of activity.

19. Whenever practicable and appropriate, the special needs of workers, including those arising from family responsibilities, should be taken into account in shift-work arrangements and assignments to night work.

20. Family responsibilities and considerations such as the place of employment of the spouse and the possibilities of educating children should be taken into account when transferring workers from one locality to another.

21. (1) With a view to protecting part-time workers, temporary workers and homeworkers, many of whom have family responsibilities, the terms and conditions on which these types of employment are performed should be adequately regulated and supervised.

(2) The terms and conditions of employment, including social security coverage, of part-time workers and temporary workers should be, to the extent possible, equivalent to those of full-time and permanent workers respectively; in appropriate cases, their entitlement may be calculated on a pro rata basis.

(3) Part-time workers should be given the option to obtain or return to full-time employment when a vacancy exists and when the circumstances which determined assignment to part-time employment no longer exist.

22. (1) Either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave), without relinquishing employment and with rights resulting from employment being safeguarded.

(2) The length of the period following maternity leave and the duration and conditions of the leave of absence referred to in subparagraph (1) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(3) The leave of absence referred to in subparagraph (1) of this Paragraph may be introduced gradually.

23. (1) It should be possible for a worker, man or woman, with family responsibilities in relation to a dependent child to obtain leave of absence in the case of its illness.

(2) It should be possible for a worker with family responsibilities to obtain leave of absence in the case of the illness of another member of the worker's immediate family who needs that worker's care or support.

(3) The duration and conditions of the leave of absence referred to in subparagraphs (1) and (2) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

V. CHILD-CARE AND FAMILY SERVICES AND FACILITIES

24. With a view to determining the scope and character of the child-care and family services and facilities needed to assist workers with family responsibilities to meet their employment and family responsibilities, the competent authorities should, in co-operation with the public and private organisations concerned, in particular employers' and workers' organisations, and within the scope of their resources for collecting information, take such measures as may be necessary and appropriate —

- (a) to collect and publish adequate statistics on the number of workers with family responsibilities engaged in or seeking employment and on the number and age of their children and of other dependants requiring care; and
- (b) to ascertain, through systematic surveys conducted more particularly in local communities, the needs and preferences for child-care and family services and facilities.

25. The competent authorities should, in co-operation with the public and private organisations concerned, take appropriate steps to ensure that child-care and family services and facilities

meet the needs and preferences so revealed; to this end they should, taking account of national and local circumstances and possibilities, in particular —

- (a) encourage and facilitate the establishment, particularly in local communities, of plans for the systematic development of child-care and family services and facilities, and
- (b) themselves organise or encourage and facilitate the provision of adequate and appropriate child-care and family services and facilities, free of charge or at a reasonable charge in accordance with the workers' ability to pay, developed along flexible lines and meeting the needs of children of different ages, of other dependants requiring care and of workers with family responsibilities.

26. (1) Child-care and family services and facilities of all types should comply with standards laid down and supervised by the competent authorities.

(2) Such standards should prescribe in particular the equipment and hygienic and technical requirements of the services and facilities provided and the number and qualifications of the staff.

(3) The competent authorities should provide or help to ensure the provision of adequate training at various levels for the personnel needed to staff child-care and family services and facilities.

VI. SOCIAL SECURITY

27. Social security benefits, tax relief, or other appropriate measures consistent with national policy should, when necessary, be available to workers with family responsibilities.

28. During the leave of absence referred to in Paragraphs 22 and 23, the workers concerned may, in conformity with national conditions and practice, and by one of the means referred to in Paragraph 3 of this Recommendation, be protected by social security.

29. A worker should not be excluded from social security coverage by reference to the occupational activity of his or her spouse and entitlement to benefits arising from that activity.

30. (1) The family responsibilities of a worker should be an element to be taken into account in determining whether employment offered is suitable in the sense that refusal of the offer may lead to loss or suspension of unemployment benefit.

(2) In particular, where the employment offered involves moving to another locality, the considerations to be taken into account should include the place of employment of the spouse and the possibilities of educating children.

31. In applying Paragraphs 27 to 30 of this Recommendation, a Member whose economy is insufficiently developed may take account of the national resources and social security arrangements available.

VII. HELP IN EXERCISE OF FAMILY RESPONSIBILITIES

32. The competent authorities and bodies in each country should promote such public and private action as is possible to lighten the burden deriving from the family responsibilities of workers.

33. All measures compatible with national conditions and possibilities should be taken to develop home-help and home-care services which are adequately regulated and supervised and which can provide workers with family responsibilities, as necessary, with qualified assistance at a reasonable charge in accordance with their ability to pay.

34. Since many measures designed to improve the conditions of workers in general can have a favourable impact on those of workers with family responsibilities, the competent authorities and bodies in each country should promote such public and private action as is possible to make the provision of services in the community, such as public transport, supply of water and energy in or near workers' housing and housing with labour-saving layout, responsive to the needs of workers.

VIII. EFFECT ON EXISTING RECOMMENDATIONS

35. This Recommendation supersedes the Employment (Women with Family Responsibilities) Recommendation, 1965.

FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

- Equal Remuneration C100, R90
- Discrimination (Employment and Occupation) C111, R111
- Minimum Age C138, R146
- Worst Forms of Child Labour C182, R190
- Freedom of Association and Protection of the Right to Organise C87, C98
- Forced Labour C29, R35
- Abolition of Forced Labour C105

MATERNITY PROTECTION, WORK AND FAMILY

- Maternity Protection C103, R95, C183, R191
- Workers with Family Responsibilities C156, R165

EMPLOYMENT PROMOTION

- Employment Policy C122, R122, R169
- Human Resources Development C142, R150
- Termination of Employment C158, R166

WORKING CONDITIONS

- Night Work C89, P1990, C171, R178
- Home Work C177, R184
- Part-time Work C175, R182
- Occupational Safety and Health C155, P2002, R164

MIGRANT WORKERS

- Migration for Employment C97, R86
- Migrant Workers C143, R151

Convention No. 122

Convention concerning Employment Policy, 1964

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-eighth Session on 17 June 1964, and
 Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organisation provides for the prevention of unemployment and the provision of an adequate living wage, and
 Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organisation to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and
 Considering that the Universal Declaration of Human Rights provides that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, and
 Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and
 Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and
 Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Employment Policy Convention, 1964:

C122

Article 1

1. With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

2. The said policy shall aim at ensuring that —

- (a) there is work for all who are available for and seeking work;
- (b) such work is as productive as possible;
- (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

3. The said policy shall take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices.

Article 2

Each Member shall, by such methods and to such extent as may be appropriate under national conditions —

- (a) decide on and keep under review, within the framework of a co-ordinated economic and social policy, the measures to be adopted for attaining the objectives specified in Article 1;
- (b) take such steps as may be needed, including when appropriate the establishment of programmes, for the application of these measures.

Article 3

In the application of this Convention, representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, shall be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full co-operation in formulating and enlisting support for such policies.

(Final Provisions)

Recommendation No. 122

Recommendation concerning Employment Policy, 1964

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-eighth Session on 17 June 1964, and
 Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organisation provides for the prevention of unemployment and the provision of an adequate living wage, and
 Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organisation to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and
 Considering that the Universal Declaration of Human Rights provides that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, and
 Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and
 Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and
 Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following Recommendation, which may be cited as the Employment Policy Recommendation, 1964:

R122

I. OBJECTIVES OF EMPLOYMENT POLICY

1. (1) With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member should declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

- (2) The said policy should aim at ensuring that —
- (a) there is work for all who are available for and seeking work;
 - (b) such work is as productive as possible;
 - (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.
- (3) The said policy should take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and should be pursued by methods that are appropriate to national conditions and practice.

II. GENERAL PRINCIPLES OF EMPLOYMENT POLICY

2. The aims of employment policy should be clearly and publicly defined, wherever possible in the form of quantitative targets for economic growth and employment.

3. Representatives of employers and workers and their organisations should be consulted in formulating policies for the development and use of human capacities, and their co-operation should be sought in the implementation of such policies, in the spirit of the Consultation (Industrial and National Levels) Recommendation, 1960.

4. (1) Employment policy should be based on analytical studies of the present and future size and distribution of the labour force, employment, unemployment and underemployment.

(2) Adequate resources should be devoted to the collection of statistical data, to the preparation of analytical studies and to the distribution of the results.

5. (1) Each Member should recognise the importance of building up the means of production and developing human capacities fully, for example through education, vocational guidance and training, health services and housing, and should seek and maintain an appropriate balance in expenditure for these different purposes.

(2) Each Member should take the necessary measures to assist workers, including young people and other new entrants to the labour force, in finding suitable and productive employment and in adapting themselves to the changing needs of the economy.

(3) In the application of this Paragraph particular account should be taken of the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Employment Service Convention and Recommendation, 1948.

6. (1) Employment policy should be co-ordinated with, and carried out within the framework of, overall economic and social policy, including economic planning or programming in countries where these are used as instruments of policy.

(2) Each Member should, in consultation with and having regard to the autonomy and responsibility in certain of the areas concerned of employers and workers and their organisations, examine the relationship between measures of employment policy and other major decisions in the sphere of economic and social policy, with a view to making them mutually reinforcing.

7. (1) Where there are persons available for and seeking work for whom work is not expected to be available in a reasonably short time, the government should examine and explain in a public statement how their needs will be met.

(2) Each Member should, to the fullest extent permitted by its available resources and level of economic development, adopt measures taking account of international standards in the field of social security and of Paragraph 5 of this Recommendation to help unemployed and underemployed persons during all periods of unemployment to meet their basic needs and those of their dependants and to adapt themselves to opportunities for further useful employment.

III. GENERAL AND SELECTIVE MEASURES OF EMPLOYMENT POLICY

General Considerations

8. Employment problems attributable to fluctuations in economic activity, to structural changes and especially to an inadequate level of activity should be dealt with by means of —

- (a) general measures of economic policy; and
- (b) selective measures directly connected with the employment of individual workers or categories of workers.

9. The choice of appropriate measures and their timing should be based on careful study of the causes of unemployment with a view to distinguishing the different types.

General Measures: Long Term

10. General economic measures should be designed to promote a continuously expanding economy possessing a reasonable degree of stability, which provides the best environment for the success of selective measures of employment policy.

General Measures: Short Term

11. (1) Measures of a short-term character should be planned and taken to prevent the emergence of general unemployment or underemployment associated with an inadequate level of economic activity, as well as to counterbalance inflationary pressure associated with a lack of balance in the employment market. At times when these conditions are present or threaten to appear, action should be taken to increase or, where appropriate, to reduce private consumption, private investment and/or government current or investment expenditure.

(2) In view of the importance of the timing of counter-measures, whether against recession, inflation or other imbalances, governments should, in accordance with national constitutional law, be vested with powers permitting such measures to be introduced or varied at short notice.

Selective Measures

12. Measures should be planned and taken to even out seasonal fluctuations in employment. In particular, appropriate action should be taken to spread the demand for the products and services of workers in seasonal occupations more evenly throughout the year or to create complementary jobs for such workers.

13. (1) Measures should be planned and taken to prevent the emergence and growth of unemployment or underemployment resulting from structural changes, and to promote and facilitate the adaptation of production and employment to such changes.

(2) For the purpose of this Recommendation the term “structural change means long-term and substantial change taking the form of shifts in demand, of the emergence of new sources of supply, national or foreign (including supplies of goods from countries with lower costs of production) or of new techniques of production, or of changes in the size of the labour force.

(3) The dual objective of measures of adaptation to structural changes should be —

- (a) to obtain the greatest benefit from economic and technical progress;
- (b) to protect from financial or other hardship groups and individuals whose employment is affected by structural changes.

14. (1) To this end, and to avoid the loss of production entailed by delays in filling vacancies, Members should establish and adequately finance programmes to help workers to find and fit themselves for new jobs.

(2) Such programmes should include —

- (a) the operation of an effective employment service, taking account of the provisions of the Employment Service Convention and Recommendation, 1948;

- (b) the provision or encouragement of training and retraining facilities designed to enable workers to acquire the qualifications needed for lasting employment in expanding occupations, taking account of the provisions of the Vocational Training Recommendation, 1962;
- (c) the co-ordination of housing policy with employment policy, by the provision of adequate housing and community facilities in places where there are job vacancies, and the provision of removal grants for workers and their dependants by the employer or out of public funds.

15. Special priority should be given to measures designed to remedy the serious, and in some countries growing, problem of unemployment among young people. In the arrangements for young persons envisaged in the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, and the Vocational Training Recommendation, 1962, full account should be taken of the trends of structural change, so as to ensure the development and the use of the capacities of young persons in relation to the changing needs of the economy.

16. Efforts should be made to meet the particular needs of categories of persons who encounter special difficulties as a result of structural change or for other reasons, such as older workers, disabled persons and other workers who may find it particularly difficult to change their places of residence or their occupations.

17. Special attention should be given to the employment and income needs of lagging regions and of areas where structural changes affect large numbers of workers, in order to bring about a better balance of economic activity throughout the country and thus to ensure a productive utilisation of all resources.

18. (1) When structural changes of exceptional magnitude occur, measures of the kinds provided for in Paragraphs 13 to 17 of this Recommendation may need to be accompanied by measures to avoid large-scale, sudden dislocation and to spread the impact of the change or changes over a reasonable period of time.

(2) In such cases governments, in consultation with all concerned, should give early consideration to the determination of the best means, of a temporary and exceptional nature, to facilitate the adaptation to the structural changes of the industries affected, and should take action accordingly.

19. Appropriate machinery to promote and facilitate the adaptation of production and employment to structural changes, with clearly defined responsibilities in regard to the matters dealt with in Paragraphs 13 to 18 of this Recommendation, should be established.

20. (1) Employment policy should take account of the common experience that, as a consequence of technological progress and improved productivity, possibilities arise for more leisure and intensified educational activities.

(2) Efforts should be made to take advantage of these possibilities by methods appropriate to national conditions and practice and to conditions in each industry; these methods may include —

- (a) reduction of hours of work without a decrease in wages, within the framework of the Reduction of Hours of Work Recommendation, 1962;
- (b) longer paid holidays;
- (c) later entry into the labour force, combined with more advanced education and training.

IV EMPLOYMENT PROBLEMS ASSOCIATED WITH ECONOMIC UNDERDEVELOPMENT

Investment and Income Policy

21. In developing countries employment policy should be an essential element of a policy for promoting growth and fair sharing of national incomes.

22. With a view to achieving a rapid expansion of production, investment and employment, Members should seek the views and active participation of employers and workers, and their organisations, in the elaboration and application of national economic development policy, and of the various aspects of social policy, in accordance with the Consultation (Industrial and National Levels) Recommendation, 1960.

23. (1) In countries where a lack of employment opportunities is associated with a shortage of capital, all appropriate measures should be taken to expand domestic savings and to encourage the inflow of financial resources from other countries and from international agencies, with a view to increasing productive investment without prejudicing the national sovereignty or the economic independence of the recipient countries.

(2) In order to utilise the resources available to these countries rationally and to increase employment therein as far as possible, it would be desirable for them to co-ordinate their investments and other development efforts with those of other countries, especially in the same region.

Promotion of Industrial Employment

24. (1) Members should have regard to the paramount need for the establishment of industries, public or private, which are based on available raw materials and power, which correspond to the changing pattern of demand in domestic and foreign markets and which use modern techniques and appropriate research, in order to create additional employment opportunities on a long-term basis.

(2) Members should make every effort to reach a stage of industrial development which ensures, within the framework of a balanced economy, the maximum economic production of finished products, utilising local manpower.

(3) Particular attention should be given to measures promoting efficient and low-cost production, diversification of the economy and balanced regional economic development.

25. Besides promoting modern industrial development, Members should, subject to technical requirements, explore the possibility of expanding employment by —

- (a) producing, or promoting the production of, more goods and services requiring much labour;
- (b) promoting more labour-intensive techniques, in circumstances where these will make for more efficient utilisation of available resources.

26. Measures should be taken —

- (a) to promote fuller utilisation of existing industrial capacity to the extent compatible with the requirements of domestic and export markets, for instance by more extensive introduction of multiple shifts, with due regard to the provision of amenities for workers on night shift and to the need for training a sufficient number of key personnel to permit efficient operation of multiple shifts;
- (b) to create handicrafts and small-scale industries and to assist them to adapt themselves to technological advances and changes in market conditions so that they will be able to provide increasing employment without becoming dependent on such protective measures or special privileges as would impede economic growth; to this end the development of co-operatives should be encouraged and efforts should be made to establish a complementary relationship between small-scale and large-scale industry and to develop new outlets for the products of industry.

Promotion of Rural Employment

27. (1) Within the framework of an integrated national policy, countries in which there is much rural underemployment should place special emphasis on a broadly based programme to promote productive employment in the rural sector by a combination of measures, institutional and technical, relying as fully as possible on the efforts of the persons concerned. Such a programme should be founded on adequate study of the nature, prevalence and regional distribution of rural underemployment.

(2) Major objectives should be to create incentives and social conditions favourable to fuller utilisation of local manpower in rural development, and to improve productivity and quality of output. Means appropriate to local conditions should be determined, where possible, by adequate research and the instigation of multi-purpose pilot projects.

(3) Special attention should be devoted to the need for promoting opportunities for productive employment in agriculture and animal husbandry.

(4) Institutional measures for the promotion of productive employment in the rural section should include agrarian reforms, adapted to the needs of the country, including land reform and improvement of land tenure; reform in methods of land taxation; extension of credit facilities; development of improved marketing facilities; and promotion of co-operative organisation in production and marketing.

Population Growth

28. Countries in which the population is increasing rapidly, and especially those in which it already presses heavily on the economy, should study the economic, social and demographic factors affecting population growth with a view to adopting economic and social policies that make for a better balance between the growth of employment opportunities and the growth of the labour force.

V ACTION BY EMPLOYERS AND WORKERS AND THEIR ORGANISATIONS

29. (1) Employers and workers in the public and private sectors, and their organisations, should take all practicable measures to promote the achievement and maintenance of full, productive and freely chosen employment.

(2) In particular, they should —

- (a) consult one another, and as appropriate the competent public authorities, employment services or similar institutions, as far in advance as possible, with a view to working out mutually satisfactory adjustments to changes in the employment situation;
- (b) study trends in the economic and employment situation, and in technical progress, and propose as appropriate, and in good time, such action by governments and by public and private undertakings as may safeguard within the framework of the general interest the employment security and opportunities of the workers;
- (c) promote wider understanding of the economic background, of the reasons for changes in employment opportunities in specific occupations, industries or regions, and of the necessity of occupational and geographical mobility of manpower;
- (d) strive to create a climate which, without prejudicing national sovereignty, economic independence or freedom of association, will encourage increased investment from both domestic and foreign sources, with positive effects on the economic growth of the country;
- (e) provide or seek the provision of facilities such as training and retraining facilities, and related financial benefits;
- (f) promote wage, benefit and price policies that are in harmony with the objectives of full employment, economic growth, improved standards of living and monetary stability, without endangering the legitimate objectives pursued by employers and workers and their organisations; and
- (g) respect the principle of equality of opportunity and treatment in employment and occupation, taking account of the provisions of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958.

(3) In consultation and co-operation as appropriate with workers' organisations and/or representatives of workers at the level of the undertaking, and having regard to national economic and social conditions, measures should be taken by undertakings to counteract unemployment, to help workers find new jobs, to increase the number of jobs available and to minimise the consequences of unemployment; such measures may include —

- (a) retraining for other jobs within the undertaking;
- (b) transfers within the undertaking;
- (c) careful examination of, and action to overcome, obstacles to increasing shift work;

- (d) the earliest possible notice to workers whose employment is to be terminated, appropriate notification to public authorities, and some form of income protection for workers whose employment has been terminated, taking account of the provisions of the Termination of Employment Recommendation, 1963.

VI. INTERNATIONAL ACTION TO PROMOTE EMPLOYMENT OBJECTIVES

30. Members, with the assistance as appropriate of intergovernmental and other international organisations, should co-operate in international action to promote employment objectives, and should, in their internal economic policy, seek to avoid measures which have a detrimental effect on the employment situation and the general economic stability in other countries, including the developing countries.

31. Members should contribute to all efforts to expand international trade as a means of promoting economic growth and expansion of employment opportunities. In particular, they should take all possible measures to diminish unfavourable repercussions on the level of employment of fluctuations in the international terms of trade and of balance-of-payments and liquidity problems.

32. (1) Industrialised countries should, in their economic policies, including policies for economic co-operation and for expanding demand, take into account the need for increased employment in other countries, in particular in the developing countries.

(2) They should, as rapidly as their circumstances permit, take measures to accommodate increased imports of products, manufactured, processed and semi-processed as well as primary, that can be economically produced in developing countries, thus promoting mutual trade and increased employment in the production of exports.

33. International migration of workers for employment which is consistent with the economic needs of the countries of emigration and immigration, including migration from developing countries to industrialised countries, should be facilitated, taking account of the provisions of the Migration for Employment Convention and Recommendation (Revised), 1949, and the Equality of Treatment (Social Security) Convention, 1962.

34. (1) In international technical co-operation through multilateral and bilateral channels special attention should be paid to the need to develop active employment policies.

(2) To this end, such co-operation should include —

- (a) advice in regard to employment policy and employment market organisation as essential elements in the field of general development planning and programming; and
- (b) co-operation in the training of qualified local personnel, including technical personnel and management staff.

(3) Technical co-operation programmes relating to training should aim at providing the developing countries with suitable facilities for training within the country or region. They should also include adequate provision for the supply of equipment. As a complementary measure, facilities should also be provided for the training of nationals of developing countries in industrialised countries.

(4) Members should make all efforts to facilitate the release for suitable periods, both from governmental and non-governmental employment, of highly qualified experts in the various fields of employment policy for work in developing countries. Such efforts should include arrangements to make such release attractive to the experts concerned.

(5) In the preparation and implementation of technical co-operation programmes, the active participation of employers' and workers' organisations in the countries concerned should be sought.

35. Members should encourage the international exchange of technological processes with a view to increasing productivity and employment, by means such as licensing and other forms of industrial co-operation.

36. Foreign-owned undertakings should meet their staffing needs by employing and training local staff, including management and supervisory personnel.

37. Arrangements should be made, where appropriate on a regional basis, for periodical discussions and exchange of experience of employment policies, particularly employment policies in developing countries, with the assistance as appropriate of the International Labour Office.

VII. SUGGESTIONS CONCERNING METHODS OF APPLICATION

38. In applying the provisions of this Recommendation, each Member of the International Labour Organisation and the employers' and workers' organisations concerned should be guided, to the extent possible and desirable, by the suggestions concerning methods of application set forth in the Annex.

ANNEX

SUGGESTIONS CONCERNING METHODS OF APPLICATION

I. GENERAL AND SELECTIVE MEASURES OF EMPLOYMENT POLICY

1. (1) Each Member should —

- (a) make continuing studies of the size and distribution of the labour force and the nature and extent of unemployment and underemployment and trends therein, including, where possible, analyses of —
 - (i) the distribution of the labour force by age, sex, occupational group, qualifications, regions and economic sectors; probable future trends in each of these; and the effects of demographic factors, particularly in developing countries with rapid population growth, and of technological change on such trends;
 - (ii) the volume of productive employment currently available and likely to be available at different dates in the future in different economic sectors, regions and occupational groups, account being taken of projected changes in demand and productivity;
- (b) make vigorous efforts, particularly through censuses and sample surveys, to improve the statistical data needed for such studies;
- (c) undertake and promote the collection and analysis of current indicators of economic activity, and the study of trends in the evolution of new techniques in the different sectors of industry both at home and abroad, particularly as regards automation, with a view, inter alia, to distinguishing short-term fluctuations from longer-term structural changes;
- (d) make short-term forecasts of employment, underemployment and unemployment sufficiently early and in sufficient detail to provide a basis for prompt action to prevent or remedy either unemployment or shortages of labour;
- (e) undertake and promote studies of the methods and results of employment policies in other countries.

(2) Members should make efforts to provide those responsible for collective bargaining with information on the results of studies of the employment situation undertaken in the International Labour Office and elsewhere, including studies of the impact of automation.

2. Attainment of the social objectives of employment policy requires co-ordination of employment policy with other measures of economic and social policy, in particular measures affecting —

- (a) investment, production and economic growth;
- (b) the growth and distribution of incomes;
- (c) social security;
- (d) fiscal and monetary policies, including anti-inflationary and foreign exchange policies; and
- (e) the promotion of freer movement of goods, capital and labour between countries.

3. With a view to promoting stability of production and employment, consideration should be given to the possibility of making more use of fiscal or quasi-fiscal measures designed to exert an automatic stabilising influence and to maintain a satisfactory level of consumer income and investment.

4. Measures designed to stabilise employment may further include —

- (a) fiscal measures in respect of tax rates and investment expenditure;
- (b) stimulation, or restraint, of economic activity by appropriate measures of monetary policy;
- (c) increased, or reduced, expenditure on public works or other public investment of a fundamental nature, for example roads, railways, harbours, schools, training centres and hospitals; Members should plan during periods of high employment to have a number of useful but postponable public works projects ready to be put into operation in times of recession;
- (d) measures of a more specific character, such as increased government orders to a particular branch of industry in which recession threatens to provoke a temporary decline in the level of activity.

5. Measures to even out seasonal fluctuations in employment may include —

- (a) the application of new techniques to make it possible for work to be carried out under conditions in which it would have been impracticable without these techniques;
- (b) the training of workers in seasonal occupations for complementary occupations;
- (c) planning to counteract seasonal unemployment or underemployment; special attention should be given to the co-ordination of the activities of the different public authorities and private enterprises concerned with building and construction operations, so as to ensure continuity of activity to meet the employment needs of workers.

6. (1) The nature of the special difficulties which may be encountered as a result of structural changes by the categories of persons referred to in Paragraph 16 of the Recommendation should be ascertained by the competent authority and appropriate action recommended.

(2) Special measures should be taken to provide suitable work for these groups and to alleviate hardship.

(3) In cases where older or disabled workers face great difficulty in adjusting to structural changes, adequate benefits for such workers should be provided within the framework of the social security system, including, where appropriate, retirement benefits at an age below that normally prescribed.

7. (1) When structural changes affect large numbers of workers concentrated in a particular area and especially if the competitive strength of the area as a whole is impaired, Members should provide, and should, by the provision of effective incentives and consultation with the representatives of employers and workers, encourage individual enterprises to provide, additional employment in the area, based on comprehensive policies of regional development.

(2) Measures taken to this end may include —

- (a) the diversification of existing undertakings or the promotion of new industries;
- (b) public works or other public investment including the expansion or the setting up of public undertakings;
- (c) information and advice to new industries as to conditions of establishment;
- (d) measures to make the area more attractive to new industries, for example through the redevelopment or improvement of the infrastructure, or through the provision of special loan facilities, temporary subsidies or temporary tax concessions or of physical facilities such as industrial estates;
- (e) preferential consideration in the allocation of government orders;
- (f) appropriate efforts to discourage excessive industrial concentration.

(3) Such measures should have regard to the type of employment which different areas, by reason of their resources, access to markets and other economic factors, are best suited to provide.

(4) The boundaries of areas which are given special treatment should be defined after careful study of the probable repercussions on other, particularly neighbouring, areas.

II. EMPLOYMENT PROBLEMS ASSOCIATED WITH ECONOMIC UNDERDEVELOPMENT

8. Measures to expand domestic saving and encourage the inflow of financial resources from other countries, with a view to increasing productive investment, may include —

- (a) measures, consistent with the provisions of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, and taken within the framework of a system of adequate minimum labour standards and in consultation with employers and workers and their organisations, to use available labour, with a minimum complement of scarce resources, to increase the rate of capital formation;
- (b) measures to guide savings and investment from unproductive uses to uses designed to promote economic development and employment;
- (c) measures to expand savings:
 - (i) through the curtailment of non-essential consumption, with due regard to the need for maintaining adequate incentives; and
 - (ii) through savings schemes, including contributory social security schemes and small savings schemes;
- (d) measures to develop local capital markets to facilitate the transformation of savings into productive investment;
- (e) measures to encourage the reinvestment in the country of a reasonable part of the profits from foreign investments, as well as to recover and to prevent the outflow of national capital with a view to directing it to productive investment.

9. (1) Measures to expand employment by the encouragement of labour-intensive products and techniques may include —

- (a) the promotion of labour-intensive methods of production by means of —
 - (i) work study to increase the efficiency of modern labour-intensive operations;
 - (ii) research and dissemination of information about labour-intensive techniques, particularly in public works and construction;
- (b) tax concessions and preferential treatment in regard to import or other quotas to undertakings concerned;
- (c) full exploration of the technical, economic and organisational possibilities of labour-intensive construction works, such as multi-purpose river valley development projects and the building of railways and highways.

(2) In determining whether a particular product or technique is labour-intensive, attention should be given to the proportions in which capital and labour are employed not merely in the final processes, but in all stages of production, including that of materials, power and other requirements; attention should be given also to the proportions in which increased availability of a product will generate increased demand for labour and capital respectively.

10. Institutional measures for the promotion of productive employment in the rural sector may, in addition to those provided for in Paragraph 27 of the Recommendation, include promotion of community development programmes, consistent with the provisions of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, to evoke the active participation of the persons concerned, and in particular of employers and workers and their organisations, in planning and carrying out local economic and social development projects, and to encourage the use in such projects of local manpower, materials and financial resources that might otherwise remain idle or unproductively used.

11. Means appropriate to local conditions for the fuller utilisation of local manpower in rural development may include —

- (a) local capital-construction projects, particularly projects conducive to a quick increase in agricultural production, such as small and medium irrigation and drainage works, the construction of storage facilities and feeder roads and the development of local transport;
- (b) land development and settlement;

- (c) more labour-intensive methods of cultivation, expansion of animal husbandry and the diversification of agricultural production;
- (d) the development of other productive activities, such as forestry and fishing;
- (e) the promotion of rural social services such as education, housing and health services;
- (f) the development of viable small-scale industries and handicrafts in rural areas, such as local processing of agricultural products and manufacture of simple consumers' and producers' goods needed in the area.

12. (1) In pursuance of Paragraph 5 of the Recommendation, and taking account of the provisions of the Vocational Training Recommendation, 1962, developing countries should endeavour to eradicate illiteracy and promote vocational training for workers in all sectors, as well as appropriate professional training for scientific, technical and managerial personnel.

(2) The necessity of training instructors and workers in order to carry out the improvement and modernisation of agriculture should be taken into account.

Recommendation No. 169

Recommendation concerning Employment Policy, 1984

- The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventieth Session on 6 June 1984, and
Noting the existing international standards contained in the Employment Policy Convention and Recommendation, 1964, as well as in other international labour instruments relating to certain categories of workers, in particular the Workers with Family Responsibilities Convention and Recommendation, 1981, the Older Workers Recommendation, 1980, the Migration for Employment Convention and Recommendation (Revised), 1949, the Migrant Workers (Supplementary Provisions) Convention, 1975, and the Migrant Workers Recommendation, 1975,
Recalling the responsibility of the International Labour Organisation, resulting from the Declaration of Philadelphia, to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity,
Recalling that the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly in 1966, provides for the recognition of inter alia “the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and for the taking of appropriate steps to achieve progressively the full realisation of, and to safeguard, this right,
Recalling also the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly in 1979,
Recognising, in the light of increasing interdependence within the world economy and of low economic growth rates in recent years, the need to coordinate economic, monetary and social policies at the national and international levels, to strive for the reduction of disparities between developed and developing countries and for the establishment of the new international economic order, in order to make the fullest possible use of resources for development and for the creation of employment opportunities, and thus to combat unemployment and underemployment,
Noting the deterioration of employment opportunities in most industrialised and developing countries and expressing the conviction that poverty, unemployment and inequality of opportunity are unacceptable in terms of humanity and social justice, can provoke social tension and thus create conditions which can endanger peace and prejudice the exercise of the right to work, which includes free choice of employment, just and favourable conditions of work and protection against unemployment,
Considering that the Employment Policy Convention and Recommendation, 1964, should be placed in the wider framework of the Declaration of Principles and Programme of Action

adopted in 1976 by the Tripartite World Conference on Employment, Income Distribution and Social Progress and the International Division of Labour, and of the resolution concerning follow-up to the World Employment Conference adopted by the International Labour Conference in 1979,

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

Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Policy Convention and Recommendation, 1964,

adopts this twenty-sixth day of June of the year one thousand nine hundred and eighty-four the following Recommendation, which may be cited as the Employment Policy (Supplementary Provisions) Recommendation, 1984:

I. GENERAL PRINCIPLES OF EMPLOYMENT POLICY

1. The promotion of full, productive and freely chosen employment provided for in the Employment Policy Convention and Recommendation, 1964, should be regarded as the means of achieving in practice the realisation of the right to work.

2. Full recognition by Members of the right to work should be linked with the implementation of economic and social policies, the purpose of which is the promotion of full, productive and freely chosen employment.

3. The promotion of full, productive and freely chosen employment should be the priority in, and an integral part of, economic and social policies of Members and, where appropriate, their plans for the satisfaction of the basic needs of the population.

4. Members should give special attention to the most efficient means of increasing employment and production and draw up policies and, if appropriate, programmes designed to facilitate the increased production and fair distribution of essential goods and services and the fair distribution of income throughout the country, with a view to satisfying the basic needs of the population in accordance with the Declaration of Principles and Programme of Action of the World Employment Conference.

5. In accordance with national practice, the policies, plans and programmes referred to in Paragraphs 3 and 4 of this Recommendation should be drawn up and implemented in consultation and co-operation with the organisations of employers and workers and other organisations representative of the persons concerned, particularly those in the rural sector covered by the Rural Workers' Organisations Convention and Recommendation, 1975.

6. Economic and financial policies, at both the national and international levels, should reflect the priority to be attached to the goals referred to in Paragraphs 3 and 4 of this Recommendation.

7. The policies, plans and programmes referred to in Paragraphs 3 and 4 of this Recommendation should aim at eliminating any discrimination and ensuring for all workers equal opportunity and treatment in respect of access to employment, conditions of employment, wages and income, vocational guidance and training and career development.

8. Members should take measures to combat effectively illegal employment, that is employment which does not comply with the requirements of national laws, regulations and practice.

9. Members should take measures to enable the progressive transfer of workers from the informal sector, where it exists, to the formal sector to take place.

10. Members should adopt policies and take measures which, while taking account of national law and practice, should —

- (a) facilitate adjustment to structural change at the global, sectoral and enterprise levels and the re-employment of workers who have lost their jobs as a result of structural and technological changes; and
- (b) safeguard the employment or facilitate the re-employment of workers affected in the case of sale, transfer, closure or relocation of a company, establishment or equipment.

11. In accordance with national law and practice, the methods of giving effect to employment policies might include negotiating collective agreements on questions having a bearing on employment such as —

- (a) the promotion and safeguarding of employment;
- (b) the economic and social consequences of restructuring and rationalisation of branches of economic activity and undertakings;
- (c) the reorganisation and reduction of working time;
- (d) the protection of particular groups; and
- (e) information on economic, financial and employment issues.

12. Members should, after consultation with the organisations of employers and workers, take effective measures to encourage multinational enterprises to undertake and promote in particular the employment policies set forth in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977, and to ensure that negative effects of the investments of multinational enterprises on employment are avoided and that positive effects are encouraged.

13. In view of increasing interdependence within the world economy, Members should, in addition to the measures taken at the national level, strengthen international co-operation in order to ensure the success of the fight against unemployment.

II. POPULATION POLICY

14. (1) While ensuring that sufficient employment opportunities exist, development and employment policies might, where appropriate and in accordance with national law and practice, include population policies and programmes designed to ensure promotion of family welfare and family planning through programmes of information and voluntary education on population issues.

(2) Members, particularly developing countries, in collaboration with both national and international non-governmental organisations might —

- (a) pay particular attention in their population policies and programmes to educating actual and potential parents on the benefits of family planning;
- (b) in rural areas, increase the number of health facilities and community centres offering family planning services and the number of trained personnel to provide these services; and
- (c) in urban areas, pay particular attention to the urgent need to develop appropriate infrastructures and improve living conditions, especially in slum areas.

III. EMPLOYMENT OF YOUTH AND DISADVANTAGED GROUPS AND PERSONS

15. In the context of an overall employment policy, Members should adopt measures to respond to the needs of all categories of persons frequently having difficulties in finding lasting employment, such as certain women, certain young workers, disabled persons, older workers, the long-term unemployed and migrant workers lawfully within their territory. These measures should be consistent with the provisions of international labour Conventions and Recommendations relating to the employment of these groups and with the conditions of employment established under national law and practice.

16. While taking account of national conditions and in accordance with national law and practice, the measures referred to in Paragraph 15 of this Recommendation might include, inter alia —

- (a) general education accessible to all and vocational guidance and training programmes to assist these persons to find work and to improve their employment opportunities and their income;
- (b) the creation of a training system linked with both the educational system and the world of work;

- (c) counselling and employment services to assist individuals to enter the labour market and to help them to find employment which corresponds to their skills and aptitudes;
- (d) programmes which create gainful employment in specific regions, areas or sectors;
- (e) programmes of adjustment to structural change;
- (f) measures of continuing training and retraining;
- (g) measures of vocational rehabilitation;
- (h) assistance for voluntary mobility; and
- (i) programmes for the promotion of self-employment and workers' co-operatives.

17. (1) Other special measures should be taken for young people. In particular —

- (a) public and private institutions and undertakings should be encouraged to engage and to train young people by means appropriate to national conditions and practice;
- (b) although priority should be given to integrating young persons into regular employment, special programmes might be set up with a view to employing young people on a voluntary basis for the execution of community projects, in particular local projects having a social character, bearing in mind the provisions of the Special Youth Schemes Recommendation, 1970;
- (c) special programmes should be set up in which training and work alternate so as to assist young people in finding their first job;
- (d) training opportunities should be adapted to technical and economic development and the quality of training should be improved;
- (e) measures should be taken to ease the transition from school to work and to promote opportunities for employment on completion of training;
- (f) research on employment prospects should be promoted as a basis for a rational vocational training policy; and
- (g) the safety and health of young workers should be protected.

(2) The measures referred to in subparagraph (1) of this Paragraph should be carefully monitored to ensure that they result in beneficial effects on young people's employment.

(3) These measures should be consistent with the provisions of international labour Conventions and Recommendations relating to the employment of young persons and with the conditions of employment established under national law and practice.

18. Incentives appropriate to national conditions and practice might be provided in order to facilitate the implementation of the measures referred to in Paragraphs 15 to 17 of this Recommendation.

19. In accordance with national law and practice, full and timely consultations should be held on the formulation, application and monitoring of the measures and programmes referred to in Paragraphs 15 to 18 of this Recommendation between the competent authorities and the organisations of employers and workers and other organisations concerned.

IV. TECHNOLOGY POLICIES

20. One of the major elements of national development policy should be to facilitate the development of technology as a means of increasing productive potential and achieving the major development objectives of creation of employment opportunities and the satisfaction of basic needs. Technology policies should, taking into account the stage of economic development, contribute to the improvement of working conditions and reduction of working time, and include measures to prevent loss of jobs.

21. Members should —

- (a) encourage research on the selection, adoption and development of new technologies and on their effects on the volume and structure of employment, conditions of employment, training, job content and skill requirements; and
- (b) encourage research on the technologies most appropriate to the specific conditions of countries, by ensuring the involvement of independent research institutes.

22. Members should endeavour to ensure by appropriate measures —

- (a) that the education and training systems, including schemes for retraining, offer workers sufficient opportunities for adjusting to altered employment requirements resulting from technological change;
- (b) that particular attention is given to the best possible use of existing and future skills; and
- (c) that negative effects of technological changes on employment, working and living conditions and on occupational safety and health are eliminated to the extent possible, in particular through the incorporation of ergonomic, safety and health considerations at the design stage of new technologies.

23. Members should, through all methods suited to national conditions and practice, promote the use of appropriate new technologies and assure or improve liaison and consultation between the different units and organisations concerned with these questions and the representative organisations of employers and workers.

24. The organisations of employers and workers concerned and undertakings should be encouraged to assist in the dissemination of general information on technological choices, in the promotion of technological linkages between large-scale and small-scale undertakings and in the setting up of relevant training programmes.

25. In accordance with national practice, Members should encourage employers' and workers' organisations to enter into collective agreements at national, sectoral or undertaking levels on the social consequences of the introduction of new technologies.

26. Members should, as far as possible and in accordance with national law and practice, encourage undertakings, when introducing into their operations technological changes which are liable to have major effects upon workers in the undertaking —

- (a) to associate workers and/or their representatives in the planning, introduction and use of new technologies, that is to inform them of the opportunities offered by and the effects of such new technologies and to consult them in advance with a view to arriving at agreements;
- (b) to promote a better organisation of working time and a better distribution of employment;
- (c) to prevent and mitigate to the greatest extent practicable any adverse effects of the technological changes on workers; and
- (d) to promote investments in technology that would encourage, directly or indirectly, the creation of employment and contribute to a progressive increase in production and the satisfaction of the basic needs of the population.

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V. INFORMAL SECTOR

27. (1) National employment policy should recognise the importance as a provider of jobs of the informal sector, that is economic activities which are carried on outside the institutionalised economic structures.

(2) Employment promotion programmes should be elaborated and implemented to encourage family work and independent work in individual workshops, both in urban and rural areas.

28. Members should take measures to promote complementary relationships between the formal and informal sectors and to provide greater access of undertakings in the informal sector to resources, product markets, credit, infrastructure, training facilities, technical expertise and improved technologies.

29. (1) While taking measures to increase employment opportunities and improve conditions of work in the informal sector, Members should seek to facilitate its progressive integration into the national economy.

(2) Members should take into account that integration of the informal sector into the formal sector may reduce its ability to absorb labour and generate income. Nevertheless, they should seek progressively to extend measures of regulation to the informal sector.

VI. SMALL UNDERTAKINGS

30. National employment policy should take account of the importance of small undertakings as providers of jobs, and recognise the contribution of local employment creation initiatives to the fight against unemployment and to economic growth. These undertakings, which can take diverse forms, such as small traditional undertakings, co-operatives and associations, offer employment opportunities, especially for workers who have particular difficulties.

31. After consultation and in co-operation with employers' and workers' organisations, Members should take the necessary measures to promote complementary relationships between the undertakings referred to in Paragraph 30 of this Recommendation and other undertakings, to improve working conditions in these undertakings, and to improve their access to product markets, credit, technical expertise and advanced technology.

VII. REGIONAL DEVELOPMENT POLICIES

32. In accordance with national law and practice, Members should recognise the importance of balanced regional development as a means of mitigating the social and employment problems created by the unequal distribution of natural resources and the inadequate mobility of the means of production, and of correcting the uneven spread of growth and employment between regions and areas within a country.

33. Measures should be taken, after consultation and in co-operation with the representatives of the populations concerned and in particular with the organisations of employers and workers, with a view to promoting employment in underdeveloped or backward areas, declining industrial and agricultural areas, frontier zones and, in general, parts of the country which have not benefited satisfactorily from national development.

34. Taking account of national conditions and of each Member's plans and programmes, the measures referred to in Paragraph 33 of this Recommendation might include, inter alia —

- (a) creating and developing growth poles and growth centres with good prospects for generating employment;
- (b) developing and intensifying regional potential taking into account the human and natural resources of each region and the need for coherent and balanced regional development;
- (c) expanding the number and size of medium-sized and small towns in order to counterbalance the growth of large cities;
- (d) improving the availability and distribution of and access to essential services required for meeting basic needs;
- (e) encouraging the voluntary mobility of workers within each region and between different regions of the country by appropriate social welfare measures, while making an effort to promote satisfactory living and working conditions in their areas of origin;
- (f) investing in improvements to the regional infrastructures, services and administrative structures, including the allocation of the necessary staff and the provision of training and retraining opportunities; and
- (g) promoting the participation of the community in the definition and implementation of regional development measures.

VIII. PUBLIC INVESTMENT AND SPECIAL PUBLIC WORKS PROGRAMMES

35. Members might implement economically and socially viable public investment and special public works programmes, particularly with a view to creating and maintaining employment and raising incomes, reducing poverty and better meeting basic needs in areas of widespread unemployment and underemployment. Such programmes should, where possible and appropriate —

- (a) pay special attention to the creation of employment opportunities for disadvantaged groups;

- (b) include rural and urban infrastructure projects as well as the construction of facilities for basic-needs satisfaction in rural, urban and suburban areas, and increased productive investments in sectors such as energy and telecommunications;
- (c) contribute to raising the standard of social services in fields such as education and health;
- (d) be designed and implemented within the framework of development plans where they exist and in consultation with the organisations of employers and workers concerned;
- (e) identify the persons whom the programmes are to benefit, determine the available manpower and define the criteria for project selection;
- (f) ensure that workers are recruited on a voluntary basis;
- (g) ensure that manpower is not diverted from other productive activities;
- (h) provide conditions of employment consistent with national law and practice, and in particular with legal provisions governing access to employment, hours of work, remuneration, holidays with pay, occupational safety and health and compensation for employment injuries; and
- (i) facilitate the vocational training of workers engaged in such programmes as well as the retraining of those who, because of structural changes in production and employment, have to change their jobs.

IX. INTERNATIONAL ECONOMIC CO-OPERATION AND EMPLOYMENT

36. Members should promote the expansion of international trade in order to help one another to attain employment growth. To this end, they should co-operate in international bodies which are engaged in facilitating sustainable and mutually beneficial increases in international trade, technical assistance and investment.

37. Bearing in mind their responsibilities in relation to other competent international bodies Members should, with a view to ensuring the effectiveness of employment policies, adopt the following objectives:

- (a) to promote the growth of production and world trade in conditions of economic stability and growing employment, within the context of international co-operation for development and on the basis of equality of rights and mutual advantage;
- (b) to recognise that the interdependence between States, resulting from the increasing integration of the world economy, should help to create a climate in which States can, wherever appropriate, define joint policies designed to promote a fair distribution of the social costs and benefits of structural adjustment as well as a fairer international distribution of income and wealth, in such a way as to enable developing countries to absorb the increase in their labour force, and the developed countries to raise their levels of employment and reduce the adjustment cost for the workers concerned;
- (c) to co-ordinate national policies concerning trade and structural change and adjustment so as to make possible a greater participation of developing countries in world industrial production within an open and fair world trading system, to stabilise commodity prices at remunerative levels which are acceptable to both producers and consumers, and to encourage investment in the production and processing of commodities in developing countries;
- (d) to encourage the peaceful resolution of disputes among nations and negotiated arms reduction agreements which will achieve security for all nations, as well as the progressive transfer of expenditure on armaments and the reconversion of the armaments industry to the production of essential goods and services, especially those which satisfy the basic needs of the population and the needs of developing countries;
- (e) to seek agreement on concerted action at the international level with a view to improving the international economic system, especially in the financial sphere, so as to promote employment in developed as well as developing countries;
- (f) to increase mutual economic and technical co-operation, especially between countries at different levels of economic development and with different social and economic systems, through exchange of experience and the development of complementary capacities, particu-

larly in the fields of employment and human resources and the choice, development and transfer of technology in accordance with mutually accepted law and practice concerning private property rights;

- (g) to create conditions for sustained, non-inflationary growth of the world economy, and for the establishment of an improved international monetary system which would lead to the establishment of the new international economic order; and
- (h) to ensure greater stability in exchange rates, a reduction of the debt burden of developing countries, the provision of long-term, low-cost financial assistance to developing countries and the adoption of adjustment policies which promote employment and the satisfaction of basic needs.

38. Members should —

- (a) promote the transfer of technologies with a view to enabling developing countries to adopt, on fair and reasonable commercial terms, those which are most appropriate for the promotion of employment and the satisfaction of basic needs; and
- (b) take appropriate measures for the creation and maintenance of employment and for the provision of training and retraining opportunities. Such measures might include the establishment of national, regional or international readjustment funds for the purpose of assisting in the positive adjustment of industries and workers affected by changes in the world economy.

X. INTERNATIONAL MIGRATION AND EMPLOYMENT

39. Members, taking account of international labour Conventions and Recommendations on migrant workers, should, where international migration takes place, adopt policies designed —

- (a) to create more employment opportunities and better conditions of work in countries of emigration so as to reduce the need to migrate to find employment; and
- (b) to ensure that international migration takes place under conditions designed to promote full, productive and freely chosen employment.

40. Members which habitually or repeatedly admit significant numbers of foreign workers with a view to employment should, when such workers come from developing countries, endeavour to co-operate more fully in the development of such countries, by appropriate intensified capital movements, the expansion of trade, the transfer of technical knowledge and assistance in the vocational training of local workers, in order to establish an effective alternative to migration for employment and to assist the countries in question in improving their economic and employment situation.

41. Members which habitually or repeatedly experience significant outflows of their nationals for the purpose of employment abroad should, provided that such measures are not inconsistent with the right of everyone to leave any country including his own, take measures by means of legislation, agreements with employers' and workers' organisations, or in any other manner consistent with national conditions and practice, to prevent malpractices at the stage of recruitment or departure liable to result in illegal entry to, or stay or employment in, another country.

42. Developing emigration countries, in order to facilitate the voluntary return of their nationals who possess scarce skills, should —

- (a) provide the necessary incentives; and
- (b) enlist the co-operation of the countries employing their nationals as well as of the International Labour Office and other international or regional bodies concerned with the matter.

43. Members, both countries of employment and countries of origin, should take appropriate measures to —

- (a) prevent abuse in the recruitment of labour for work abroad;
- (b) prevent the exploitation of migrant workers; and
- (c) ensure the full exercise of the rights to freedom of association and to organise and bargain collectively.

44. Members, both countries of employment and countries of origin, should, when it is necessary, taking fully into account existing international labour Conventions and Recommendations on migrant workers, conclude bilateral and multilateral agreements covering issues such as right of entry and stay, the protection of rights resulting from employment, the promotion of education and training opportunities for migrant workers, social security, and assistance to workers and members of their families wishing to return to their country of origin.

Convention No. 142

Convention concerning Vocational Guidance and Vocational Training in the Development of of Human Resources, 1975

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Sixtieth Session on 4 June 1975, and
Having decided upon the adoption of certain proposals with regard to human resources develop-
ment: vocational guidance and vocational training, which is the sixth item on the agenda of
the session, and
Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the
following Convention, which may be cited as the Human Resources Development Convention, 1975:

Article 1

1. Each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.
2. These policies and programmes shall take due account of —
 - (a) employment needs, opportunities and problems, both regional and national;
 - (b) the stage and level of economic, social and cultural development; and
 - (c) the mutual relationships between human resources development and other economic, social and cultural objectives.
3. The policies and programmes shall be pursued by methods that are appropriate to national conditions.
4. The policies and programmes shall be designed to improve the ability of the individual to understand and, individually or collectively, to influence the working and social environment.
5. The policies and programmes shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society.

Article 2

With the above ends in view, each Member shall establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.

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Article 3

1. Each Member shall gradually extend its systems of vocational guidance, including continuing employment information, with a view to ensuring that comprehensive information and the broadest possible guidance are available to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons.

2. Such information and guidance shall cover the choice of an occupation, vocational training and related educational opportunities, the employment situation and employment prospects, promotion prospects, conditions of work, safety and hygiene at work, and other aspects of working life in the various sectors of economic, social and cultural activity and at all levels of responsibility.

3. The information and guidance shall be supplemented by information on general aspects of collective agreements and of the rights and obligations of all concerned under labour law; this information shall be provided in accordance with national law and practice, taking into account the respective functions and tasks of the workers' and employers' organisations concerned.

Article 4

Each Member shall gradually extend, adapt and harmonise its vocational training systems to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.

Article 5

Policies and programmes of vocational guidance and vocational training shall be formulated and implemented in co-operation with employers' and workers' organisations and, as appropriate and in accordance with national law and practice, with other interested bodies.

(Final Provisions)

Recommendation No. 150

Recommendation concerning Vocational Guidance and Vocational Training in the Development of Human Resources, 1975

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and
 Considering the importance of vocational guidance and vocational training in the implementation of employment policies and programmes, and
 Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy and, in particular, of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and of the Employment Policy Convention and Recommendation, 1964, and
 Noting that the General Conference of the United Nations Educational, Scientific and Cultural Organisation at its Eighteenth Session in 1974 adopted a Recommendation on Technical and Vocational Education, and
 Noting that the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organisation have collaborated closely with a view to ensuring that the instruments of the two Organisations pursue harmonised objectives and avoid duplication and conflict, and that they will continue to collaborate closely with a view to the effective implementation of these instruments, and
 Having decided upon the adoption of certain proposals with regard to human resources development: vocational guidance and vocational training, which is the sixth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation,
 adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Recommendation, which may be cited as the Human Resources Development Recommendation, 1975:

R150

I. GENERAL PROVISIONS

1. This Recommendation applies to the vocational guidance and vocational training of young persons and adults for all areas of economic, social and cultural life and at all levels of occupational skill and responsibility.

2. (1) For the purpose of this Recommendation, the qualification of the terms “guidance” and “training” by the term “vocational” means that guidance and training are directed to identifying and developing human capabilities for a productive and satisfying working life and, in conjunction

with the different forms of education, to improve the ability of the individual to understand and, individually or collectively, to influence working conditions and the social environment.

(2) The definition contained in subparagraph (1) of this Paragraph applies to guidance, to initial and further training, and to retraining, whatever the way in which they are provided and whatever the level of skill and responsibility.

3. In giving effect to this Recommendation, member States should take account of guidelines supplementing its provisions which may be formulated by regional conferences, industrial committees and meetings of experts or consultants convened by the International Labour Organisation and other competent bodies.

II. POLICIES AND PROGRAMMES

4. (1) Members should adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.

(2) These policies and programmes should take due account of —

- (a) employment needs, opportunities and problems, both regional and national;
- (b) the stage and level of economic, social and cultural development; and
- (c) the mutual relationships between human resources development and other economic, social and cultural objectives.

(3) The policies and programmes should be pursued by methods that are appropriate to national conditions.

(4) The policies and programmes should encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society.

(5) Such policies and programmes should also encourage undertakings to accept responsibility for training workers in their employment. Undertakings should co-operate with the representatives of their workers when planning their training programmes and should ensure, as far as possible, that these programmes are in line with those of the public training system.

(6) Such policies and programmes should have as objectives —

- (a) to ensure entry into productive employment, including self-employment, which corresponds to personal aptitudes and aspirations, and to facilitate occupational mobility;
- (b) to promote and develop creativity, dynamism and initiative with a view to maintaining or increasing work effectiveness;
- (c) to protect persons against unemployment or other loss of income or earning capacity deriving from lack of demand for their skills as well as against underemployment;
- (d) to protect persons against excessive physical or mental strain in employment;
- (e) to protect persons against occupational hazards by making high standards of teaching occupational safety and health an integral part of training for each trade or occupation;
- (f) to assist persons in their quest for satisfaction at work, for individual achievement and self-expression, and for the betterment of their lot in life through their own efforts to improve the quality or modify the nature of their contribution to the economy;
- (g) to achieve social, cultural and economic advancement and continuing adjustment to change, with the participation of all concerned in reshaping the work requirements;
- (h) to achieve the full participation of all groups in society in the process of development and in sharing the benefits deriving from it.

5. (1) With the above ends in view, Members should establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.

(2) Members should aim in particular at —

- (a) ensuring that all have equal access to vocational guidance and vocational training;
- (b) providing, on a continuing basis, broadly conceived and realistic vocational guidance for the various groups of the population in all branches of economic activity;
- (c) developing comprehensive systems of vocational training covering all aspects of productive work in all branches of economic activity;
- (d) facilitating mobility between different lines of training, within and between the various occupations and sectors of economic activity and between different levels of responsibility;
- (e) co-ordinating vocational training for one sector of the economy or branch of economic activity with vocational training for other sectors or branches;
- (f) establishing patterns of systematic vocational training in all branches of economic activity and for all types of work and levels of skill and responsibility;
- (g) providing all workers with real possibilities for re-entering the educational system, at a level which takes account of their work experience;
- (h) establishing close co-operation and co-ordination between vocational guidance and vocational training provided outside the school system, on the one hand, and educational guidance and the school system, on the other;
- (i) establishing conditions permitting workers to supplement their vocational training by trade union education given by their representative organisations;
- (j) undertaking research and adapting administrative arrangements and methods as required for implementing the programmes of vocational guidance and vocational training.

6. The policies and programmes of vocational guidance and vocational training should —

- (a) be co-ordinated with policies and major programmes of social and economic development such as employment promotion, social integration, rural development, development of crafts and industry, adaptation of methods and organisation of work to human requirements and improvement of working conditions;
- (b) take account of international economic and technological interaction and co-operation;
- (c) be reviewed periodically in relation to current and planned social and economic development;
- (d) promote activities which will stimulate workers to contribute to improved international relations;
- (e) contribute to fuller understanding of technical, scientific, economic, social and cultural matters;
- (f) create and develop an appropriate infrastructure for providing adequate training respecting the essential standards of occupational health and safety.

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III. VOCATIONAL GUIDANCE

7. (1) Members should gradually extend their systems of vocational guidance, including continuing employment information, with a view to ensuring that comprehensive information and the broadest possible guidance are available to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons.

(2) Such information and guidance should cover the choice of an occupation, vocational training and related educational opportunities, the employment situation and employment prospects, promotion prospects, conditions of work, safety and hygiene at work, and other aspects of working life in the various sectors of economic, social and cultural activity and at all levels of responsibility.

(3) The information and guidance should be supplemented by information on general aspects of collective agreements and of the rights and obligations of all concerned under labour law; this information should be provided in accordance with national law and practice, taking into account the respective functions and tasks of the workers' and employers' organisations concerned.

8. (1) The main objectives of vocational guidance programmes should be to —

- (a) provide children and young persons not yet in the labour force with the basis for choosing a line of education or vocational training in the light of their aptitudes, abilities and interests and of employment opportunities;
- (b) assist persons in programmes of education and vocational training to derive the maximum benefit from them and to prepare themselves either for supplementary education or vocational training or for entry into an occupation and for continuing education and training as and when required during their working lives;
- (c) assist persons who are entering the labour force, who seek to change their work activities, or who are unemployed, to choose an occupation and to plan related education and vocational training;
- (d) inform employed persons of opportunities for improving their occupational development potential, their level of performance, their earnings and their position, of the educational and vocational training requirements and of the facilities available for this purpose;
- (e) promote general awareness of the contributions which are and can be made by the various sectors of the economy and branches of economic activity, including those which have traditionally enjoyed little prestige, to general development and to expanding employment;
- (f) assist co-operating institutions to provide information and feedback on the effectiveness of particular training programmes as an integral part of vocational guidance.

(2) Members should ensure that such programmes are compatible with the right to freedom of choice in selecting an occupation and to fair promotion opportunities as well as the right to education.

9. In extending the scope of their systems of vocational guidance, Members should pay special attention to —

- (a) helping children and young persons at school to gain an appreciation of the value and importance of work and an understanding of the world of work as well as to familiarise themselves with the conditions of work in as broad a range of occupations as possible — taking account of the employment and career opportunities that may be open to them — and with requirements for taking advantage of these opportunities;
- (b) giving children and young persons who have never been to school, or who left school early, information on as broad a range of occupations as possible and on employment opportunities in these occupations, as well as guidance on how they may gain access to them;
- (c) giving adults in employment, including self-employment, information on trends and objectives in development which concern them and in particular on the implications of social, technical and economic change for their field of work;
- (d) giving unemployed and underemployed persons all the necessary information and guidance on possibilities of finding employment or improving their employment situation and on means available for achieving this purpose;
- (e) giving persons who meet special problems in relation to education, vocational training or employment, assistance in overcoming them within over-all measures aiming at social progress.

10. (1) Both group vocational guidance programmes — namely the dissemination of factual material and counselling for groups of persons who have similar vocational needs — and individual counselling should be made available.

(2) Individual counselling should be available, in particular, to young persons and adults requiring specialised assistance in identifying their occupational aptitudes, abilities and interests, in assessing the educational, vocational training and employment opportunities which are likely to be available to them, and in choosing a line of education, vocational training or employment.

(3) Individual counselling — and, as appropriate, group vocational guidance activities — should take into account the individual's specific need of information and support, with particular attention to the physically and mentally handicapped and disabled as well as to socially and educationally disadvantaged persons. They may include exercises in seeking and evaluating information and in decision making, as well as exposure to expanded career choices and goals, in order to

develop the capacity to make an informed choice. They should always take into account the individual's right to make his own choice on the basis of comprehensive relevant information.

(4) Individual counselling should, whenever required, be supplemented by advice for remedial action and such other help as may be useful for the purposes of vocational adjustment.

11. Members whose vocational guidance programmes are in the early stages of development should, in the first instance, aim at —

- (a) drawing the attention of young persons to the importance of choosing general and vocational education taking full account of existing employment prospects and of trends in economic and social development, as well as of their personal aptitudes and interests;
- (b) assisting those groups of the population which require help in overcoming traditional restrictions on their free choice of education, vocational training or occupation;
- (c) meeting the needs of those with special potential in fields of work which are of major importance.

12. Members should make full use, in their vocational guidance programmes, of all available facilities and media through which the various groups of the population concerned can be reached most effectively.

13. (1) Wherever practicable, appropriate tests of capacity and aptitude — including both physiological and psychological characteristics — and other methods of examination should be made available for use in vocational guidance as appropriate to the needs of individual cases.

(2) Such tests and other methods of examination should be used only in agreement with the person seeking guidance and in conjunction with other methods of exploring personal characteristics; they should be carried out only by specialists.

(3) The results obtained in the application of such tests and other methods of examination should not be communicated to a third person without the express agreement of the person examined.

14. (1) Where tests and other methods of examination are employed in vocational guidance, they should be standardised for the age groups, populations and cultures concerned and should be validated for the particular purposes for which they are intended.

(2) There should be a continuing programme for the development and restandardisation, at regular intervals, of such tests and other methods of examination in order to take account of changing conditions and life styles.

IV. VOCATIONAL TRAINING

A. General Provisions

15. (1) Members should gradually extend, adapt and harmonise the vocational training systems of their respective countries to meet the needs for vocational training throughout life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility.

(2) In doing so they should pay special attention to —

- (a) providing opportunities for promotion which should be open, wherever possible, to persons with the desire and ability to reach higher levels of skill and responsibility;
- (b) improving vocational training in sectors of the economy and branches of economic activity in which vocational training is largely unsystematic and in which obsolescent technologies and methods of work prevail;
- (c) providing vocational training for members of the population who had not received adequate attention in the past, in particular for groups which are economically or socially disadvantaged;
- (d) effectively co-ordinating general education and vocational training, theoretical and practical instruction and initial and further training.

(3) Vocational training programmes should be so conceived as to promote full employment and the development of the capabilities of each person.

16. Vocational training programmes for individual occupations and branches of economic activity should, as appropriate, be arranged in progressive stages which together provide adequate opportunities for —

- (a) initial training for young persons and adults with little or no previous work experience;
- (b) further training which should enable persons engaged in an occupation —
 - (i) to improve their performance or broaden the range of activities which they can undertake, to proceed to higher-level work or to gain promotion;
 - (ii) to update their knowledge and skills in the light of developments in the occupation concerned;
- (c) retraining to enable adults to acquire new qualifications for a different occupational field;
- (d) such further education as is necessary to complement the training;
- (e) training in safety and health at the place of work, especially for young persons and adults with little previous work experience;
- (f) acquiring information on rights and obligations in employment, including social security schemes.

17. (1) Every effort should be made to develop and utilise to the full, if necessary with public financing, existing and potential vocational training capacity, including the resources available in undertakings, in order to provide programmes of continuing vocational training.

(2) In the provision of training, advantage should be taken, as appropriate, of mass media, mobile units, and correspondence courses and other self-instruction programmes.

18. Programmes of initial training for young persons with little or no work experience should include in particular —

- (a) general education which is co-ordinated with practical training and related theoretical instruction;
- (b) basic training in knowledge and skills common to several related occupations which could be given by an educational or vocational training institution or in an undertaking either on or off the job;
- (c) specialisation in directly usable knowledge and skills for employment opportunities which already exist or are to be created;
- (d) supervised initiation into a real work situation.

19. (1) Full-time courses of initial training should, wherever possible, provide for adequate synchronisation between theoretical tuition in training institutions and training given on the job in undertakings in order to ensure that the former is related to the real work situation; similarly, practical training off the job should, as far as possible, be related to real work situations.

(2) Training on the job arranged as an integral part of courses given by training institutions should be planned jointly by the undertakings, institutions and workers' representatives concerned with a view to —

- (a) enabling the trainees to apply in actual working conditions what they have learned off the job;
- (b) providing training in aspects of the occupation which cannot be covered outside undertakings;
- (c) familiarising young persons with little or no work experience with the requirements and conditions they are likely to encounter at work and with their responsibilities within a working group.

20. Persons entering employment after completing the full-time courses mentioned in Paragraph 19 above should receive —

- (a) induction to familiarise them with the nature and objectives of the undertaking and the conditions in which work is performed there;
- (b) systematic complementary training on the job, together with the necessary theoretical courses;

- (c) as far as possible, planned experience in a series of activities and functions of training value, including adjustment to the workplace.

21. The competent authorities should, in line with national planning and national laws and regulations and after consultation of employers' and workers' organisations, establish national or regional further-training plans related to employment.

22. (1) Undertakings should, in consultation with workers' representatives, with the persons concerned and with those in charge of their work, establish and review at regular intervals further-training plans for persons in their employment at all levels of skill and responsibility; a joint committee may be established for the purpose.

(2) These plans should —

- (a) provide opportunities to qualify for advancement to higher levels of skill and responsibility;
- (b) cover technical and other training and work experience for the persons concerned;
- (c) take account of the abilities and interests of the persons concerned as well as of work requirements.

(3) Persons in charge of the work of others should have an obligation to make an effective contribution to the success of further-training plans.

(4) Organisational responsibility for the establishment, implementation and review of further-training plans should be clearly defined and should be assigned, as far as possible, to a special unit or to one or more persons operating at a level commensurate with such responsibility.

23. (1) Workers being trained within an undertaking should —

- (a) receive adequate allowances or remuneration;
- (b) be covered by the social security measures applicable to the regular workforce of the undertaking concerned.

(2) Workers receiving training off the job should be granted educational leave in accordance with the terms of the Paid Educational Leave Convention and Recommendation, 1974.

B. Vocational Training Standards and Guidelines

24. (1) Initial and further training leading to recognised occupational qualifications should be covered as far as possible by general standards set or approved by the competent body, after consultation with the employers' and workers' organisations concerned.

(2) These standards should indicate —

- (a) the level of skills and knowledge required of candidates for the various vocational training courses;
- (b) the level of performance to be attained in each major activity or function of the occupation concerned during each phase of training and, as far as possible, the content and duration of training and the facilities and equipment needed to ensure that the level of performance indicated may be attained;
- (c) the part of the vocational training to be provided by the system of formal education, by vocational training institutions, by undertakings through training on the job, or by other means;
- (d) the character and duration of any work experience that may be required in vocational training programmes;
- (e) the training content, on the basis of the principles of multi-purpose training and occupational mobility;
- (f) the methodology to be applied, taking into account the objectives of the training and the characteristics of the trainees;
- (g) any examinations to be taken or other means of assessing achievement;
- (h) the certificates to be issued on successful completion of vocational training.

25. (1) The same occupation may be covered by more than one vocational training standard when, and for as long as, the conditions in which the work is carried out and the activities it

involves vary widely between different sectors of the economy, branches of economic activity or undertakings of different sizes.

(2) Standards covering the same occupations should be co-ordinated in order to facilitate job mobility, with full recognition of the qualifications already held and of work experience in the occupation.

26. (1) Guidelines indicating the desirable organisation and content of vocational training should be established for occupations, levels of skill and knowledge and levels of responsibility for which the standards provided for in Paragraph 24 of this Recommendation are shown not to be appropriate.

(2) Such guidelines may be necessary in particular to cover —

- (a) training for future supervisors, specialists and managers and for persons already employed in these capacities;
- (b) training for training officers and for managers, supervisors and instructors of vocational training;
- (c) vocational training for branches of economic activity in which there are large numbers of self-employed persons or of small undertakings;
- (d) the improvement of vocational training for branches of economic activity in which there has been little or no provision for the necessary systematic vocational training, and for undertakings using obsolescent technologies and methods of work.

(3) Such guidelines may also be appropriate for the first training in employment of persons who have just completed full-time courses of initial training in educational and vocational training institutions.

27. Vocational training standards and guidelines should be evaluated and reviewed periodically, with the participation of employers' and workers' organisations, and adjusted to changing requirements, the periodicity of review being determined by the rate of change in the occupation concerned.

28. (1) Members should gradually establish standards and guidelines or, as the case may be, extend their applicability until all major occupations and all levels of skill and responsibility are covered.

(2) Priority should be given to vocational training for occupations and levels of skill and responsibility of key importance for social and economic advancement.

V. TRAINING FOR MANAGERS AND SELF-EMPLOYED PERSONS

29. (1) Training for management and supervisory functions should be provided for persons in charge of the work of others, for professional and specialist personnel participating in management and for persons being prepared to assume management and supervisory functions.

(2) The competent authorities should, in line with national planning and national laws and regulations and after consultation of employers' and workers' organisations, establish plans for training for management and supervisory functions and for self-employed persons.

30. (1) The content of programmes of training for management and supervisory functions should take account of the level of the current and prospective responsibilities of the trainees.

(2) The programmes should be designed in particular to —

- (a) develop an adequate knowledge and understanding of the economic and social aspects of decision making;
- (b) foster attitudes and abilities for leading and motivating other persons, while respecting human dignity, and for developing sound industrial relations;
- (c) develop initiative and a positive attitude towards change and a capacity to appreciate the effect of change on other people;
- (d) develop the capacity of assuming new responsibilities on the job;

- (e) develop awareness of the importance of education, vocational guidance and vocational training for the personnel of the undertaking;
- (f) develop awareness of the conditions of workers in their occupational life, concern for their welfare and knowledge of labour law and of social security schemes;
- (g) develop understanding of the value of efforts towards self-improvement;
- (h) provide the basis for further training in accordance with changing requirements.

31. (1) Vocational training programmes for self-employment should take account of the social situation of the worker and —

- (a) include, in addition to training specific to the technical field concerned, training in the basic principles and practices of business management and of training other persons;
- (b) develop awareness of the need to take initiatives and assess and accept risks.

(2) Such programmes should provide regular opportunities for updating training and be reinforced by a continuing flow of information on new developments in the technical field concerned, as well as on sources of finance and, if necessary, on the most efficient marketing methods.

VI. PROGRAMMES FOR PARTICULAR AREAS OR BRANCHES OF ECONOMIC ACTIVITY

32. (1) Appropriate programmes of vocational guidance and vocational training should be established for particular areas or branches of economic activity in which comprehensive improvement action or major structural change is required.

(2) Such programmes should form part of national vocational guidance and vocational training programmes as a whole and be co-ordinated with other action to develop the area or branch of economic activity concerned.

33. Among the areas or branches of economic activity for which such programmes may be required, particular attention might be given to rural areas, to branches of economic activity using obsolescent technologies and methods of work, to industries and undertakings in decline or converting their activities, and to planned or newly established industries.

A. Rural Areas

34. (1) Programmes for rural areas should aim at achieving full equality of opportunity of the rural and urban populations as regards vocational guidance and vocational training.

(2) They should be conceived within the framework of national development policies, taking account among other things of patterns and trends in migration between rural and urban areas.

35. (1) Programmes for rural areas should make adequate provision for the special vocational guidance and vocational training needs of —

- (a) agricultural workers, including plantation workers, small owner-occupiers, tenant farmers and sharecroppers and other persons engaged in agriculture and related activities, particularly in relation to agrarian reform and other major changes in supply, production and distribution systems in the areas concerned;
- (b) persons engaged in non-agricultural occupations, with special emphasis on education, communications, transport and other services and craft occupations.

(2) Such programmes should take account of differences in needs according to the type of rural activity involved, its degree of mechanisation, specialisation and modernisation and the scale on which it is conducted.

(3) Programmes for rural areas should include training in organising co-operatives and in managing undertakings.

36. (1) Countries in which facilities and programmes of vocational guidance and vocational training for rural areas are as yet little developed should concentrate initially on —

- (a) providing information for young persons and adults in rural areas on the objectives of and action proposed for making improvements or major structural changes in the area and on the implications of such action for their work and lives;
- (b) providing systematic education and vocational training, full time or part time as appropriate, for young persons in employment to complement informal learning on the job;
- (c) providing short programmes of upgrading training or of retraining for adults through existing vocational training, or extension or other advisory services;
- (d) developing social and economic leadership in rural areas and encouraging participation by broader groups of the population in development action;
- (e) encouraging a desire for self-improvement.

(2) Such countries should keep their priorities for rural areas under review so as to work progressively towards —

- (a) developing comprehensive vocational information and guidance services for the rural population as a whole;
- (b) introducing or generalising systematic initial training for young persons;
- (c) introducing comprehensive programmes of further training on a continuing or recurrent basis to meet the needs of adults.

37. Countries which, for financial reasons or lack of trained personnel, are not in a position to provide adequate services for the rural population as a whole, might consider —

- (a) concentrating action temporarily on limited geographical areas where important lessons may be learnt for subsequent action in other areas;
- (b) giving preference to landless labourers and other economically weak groups in rural areas, which are in greatest need of economic and social justice.

B. Branches of Economic Activity Using Obsolescent Technologies and Methods of Work

38. (1) Programmes for branches of economic activity and occupations in which the use of obsolescent technologies and methods of work is widespread should be developed as appropriate along similar lines to those for rural areas.

(2) The aim should be to provide vocational guidance and vocational training for persons employed in or entering these branches of economic activity or occupations which will enable them to participate in or contribute to the modernisation of methods and products and to benefit from changes introduced.

39. Extension and other advisory services for self-employed persons and small entrepreneurs in these branches of economic activity and occupations should provide them with information on possibilities of innovation in their work, and on related vocational training and other services.

40. In planning vocational training for such branches of economic activity and occupations particular consideration should be given to —

- (a) needs and opportunities for extending the scope of or for specialising the activities of undertakings, and the vocational training implications of such extension or specialisation;
- (b) possibilities of improving vocational training practices and, in particular, of providing opportunities for continuing training;
- (c) possibilities of combining training services to managers of undertakings with other action for raising the level of performance;
- (d) the creation of new opportunities for gainful employment.

41. Vocational training for such branches of economic activity and occupations —

- (a) may be conceived initially as a complement to the learning systems by which work knowledge and skills are traditionally acquired;
- (b) should take account of the needs both of young persons receiving initial training and of persons already working in these branches of economic activity and occupations, including the small entrepreneurs and other persons who give initial training to young persons.

*C. Industries and Undertakings in Decline or
Converting Their Activities*

42. When industries or undertakings begin to decline, workers affected should in good time receive vocational guidance and vocational training to facilitate a change in skills and provide the opportunity of finding new employment.

43. When industries or undertakings change their products and methods of production or the services they provide, workers affected should in good time receive training, organised in co-operation with the industries or undertakings concerned, to enable them to adapt themselves to their new tasks.

D. New Industries

44. In planning vocational guidance and vocational training in connection with the establishment of new industries, account should be taken of —

- (a) needs for workers, specialists, managers and administrators during the construction phase and after the new plants have been commissioned, and of any need for retraining persons employed during the construction phase with a view to placing them in other jobs after commissioning;
- (b) needs for independent workers and entrepreneurs to undertake subcontracting for the new industries;
- (c) the need to provide information relating to and vocational training for new activities rendered possible or necessary by the change in the economic conditions in the region;
- (d) the need to provide vocational guidance and vocational retraining for persons whose knowledge and skills are rendered obsolete by changes in the structure of demand for labour within the region;
- (e) the need to provide new opportunities for independent workers and entrepreneurs whose business may suffer from the competition created by the new industries.

VII. PARTICULAR GROUPS OF THE POPULATION

45. (1) Measures should be taken to provide effective and adequate vocational guidance and vocational training for particular groups of the population so that they will enjoy equality in employment and improved integration into society and the economy.

(2) Particular attention should be paid to such groups as —

- (a) persons who have never been to school or who left school early;
- (b) older workers;
- (c) members of linguistic and other minority groups;
- (d) handicapped and disabled persons.

*A. Persons Who Have Never Been to School
or Who Left School Early*

46. Measures should be taken to provide all persons who have never been to school or who left school before acquiring a general education adequate for integration into a modernising society and economy with vocational guidance, general education and training in basic skills, due account being taken of opportunities on the employment market.

47. Vocational guidance for persons who have never been to school or who left school before acquiring adequate literacy and numeracy should be as broadly conceived as possible, while taking account of special educational and vocational training facilities, and other opportunities for education, training and employment that may be expected to be available to them.

48. (1) Arrangements for providing such persons with basic skills and general education might include —

- (a) part-time instruction in knowledge and skills relevant to their work, and general education linked with that instruction, for children employed in the family farm or business or in other areas of the economy;
- (b) courses in relevant basic skills and related general education for young persons and, if appropriate, adults, to facilitate their entry into systematic vocational training or to broaden their opportunities for employment and promotion;
- (c) arrangements for special vocational training combined with productive work for young unemployed persons, supplemented as necessary by courses of general education, with a view to giving them such education, skills and work habits as are necessary for useful and remunerative economic activity;
- (d) instruction in literacy and numeracy, particularly for adults which is linked with vocational training in the knowledge and skills required in a particular occupation or type of work and for active participation in development action; such instruction should be co-ordinated with general measures for the eradication of illiteracy;
- (e) special educational and technical upgrading courses for young persons and adults in employment to raise the level of their performance or improve their opportunities for advancement;
- (f) special courses in skills urgently required in employment for persons with little or no formal education.

(2) Special vocational training methodologies should be developed and applied for the arrangements provided for in this Paragraph.

49. The certificates obtainable through such arrangements should be co-ordinated with those obtainable in the system of formal education and by persons trained by other means.

B. Older Workers

50. (1) Measures to meet difficulties faced by older workers in employment might include as appropriate —

- (a) identifying and changing as far as possible working conditions which are likely to accelerate the physical and mental processes of ageing;
- (b) providing older workers with the vocational guidance and vocational training which they require, with special reference to any need for —
 - (i) updating their knowledge and skills by providing them with relevant information at the appropriate time;
 - (ii) upgrading the level of their general education and occupational qualifications by the use of specialists in adult vocational training, so that it may match that of better educated and trained young persons entering or already in the same occupation;
 - (iii) informing them at the appropriate time about facilities available for further training and carrying out such training at the appropriate moment, namely before the introduction of new working techniques and working methods;
 - (iv) making available to them, as appropriate, other positions in their own or in another occupation in which they can make use of their talents and experience, as far as possible without loss of earnings;
 - (v) ensuring that they are not debarred from vocational training by unrealistic age limits for admission;
 - (vi) developing a vocational training methodology adapted to the needs of older workers;
 - (vii) taking all necessary measures for the provision of technically and pedagogically competent instructors, well prepared to carry out further training adapted to the special requirements of older workers;
- (c) encouraging older workers to take advantage of the vocational guidance and vocational training facilities or opportunities for transfer which will help them to overcome their problems;
- (d) educating the general public, and particularly vocational guidance and vocational training staff, the staff of employment and other relevant social services, employers and workers, on

the adjustments in employment which older workers may need to make and on the desirability of supporting them in such adjustments.

(2) Measures should also as far as possible be taken to develop work methods, tools and equipment adapted to the special requirements of older workers and to provide training in their use.

C. Linguistic and Other Minority Groups

51. Members of linguistic and other minority groups should be provided with vocational guidance which would inform them in their own language or in a language with which they are familiar, or if necessary through interpreters, of prevailing conditions and requirements in employment, of the rights and obligations of all concerned and of assistance available for solving their particular problems.

52. Special vocational training programmes should be provided as necessary for linguistic and other minorities. In the case of linguistic minorities such training should, if possible, be given in the vernacular and should, as appropriate, include language training.

D. Handicapped and Disabled Persons

53. (1) Whenever they can benefit by it, persons who are handicapped or disabled should have access to vocational guidance and vocational training programmes provided for the general population.

(2) Where this is not desirable owing to the severity or the nature of the handicap or disablement or the needs of specific groups of handicapped or disabled persons, specially adjusted programmes should be provided.

(3) Every effort should be made to educate the general public, employers and workers, as well as medical and paramedical personnel and social workers, on the need for giving persons who are handicapped or disabled vocational guidance and vocational training which would enable them to find employment suitable to their needs, on the adjustments in employment which some of them may require and on the desirability of special support for them in their employment.

(4) Measures should be taken to ensure, as far as possible, the integration or reintegration of the handicapped and the disabled into productive life in a normal working environment.

(5) Account should be taken of the Vocational Rehabilitation (Disabled) Recommendation, 1955.

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VIII. PROMOTION OF EQUALITY OF OPPORTUNITY OF WOMEN AND MEN IN TRAINING AND EMPLOYMENT

54. (1) Measures should be taken to promote equality of opportunity of women and men in employment and in society as a whole.

(2) These measures should form an integral part of all economic, social and cultural measures taken by governments for improving the employment situation of women and should include, as far as possible —

- (a) educating the general public and in particular parents, teachers, vocational guidance and vocational training staff, the staff of employment and other social services, employers and workers, on the need for encouraging women and men to play an equal part in society and in the economy and for changing traditional attitudes regarding the work of women and men in the home and in working life;
- (b) providing girls and women with vocational guidance on the same broad range of educational, vocational training and employment opportunities as boys and men, encouraging them to take full advantage of such opportunities and creating the conditions required for them to do so;

- (c) promoting equality of access for girls and women to all streams of education and to vocational training for all types of occupations, including those which have been traditionally accessible only to boys and men, subject to the provisions of international labour Conventions and Recommendations;
- (d) promoting further training for girls and women to ensure their personal development and advancement to skilled employment and posts of responsibility, and urging employers to provide them with the same opportunities of extending their work experience as offered to male workers with the same education and qualifications;
- (e) providing day-care facilities and other services for children of different ages, in so far as possible, so that girls and women with family responsibilities have access to normal vocational training, as well as making special arrangements, for instance in the form of part-time or correspondence courses, vocational training programmes following a recurrent pattern or programmes using mass media;
- (f) providing vocational training programmes for women above the normal age of entry into employment who wish to take up work for the first time or re-enter it after a period of absence.

55. Special vocational training arrangements and programmes, similar to those envisaged in clauses (e) and (f) of subparagraph (2) of Paragraph 54 of this Recommendation, should be available to men having analogous problems.

56. Account should be taken of the Employment Policy Convention and Recommendation, 1964, in the implementation of measures for the promotion of equality of opportunity of women and men in training and employment.

IX. MIGRANT WORKERS

57. Effective vocational guidance and vocational training should be provided for migrant workers, so that they will enjoy equality of opportunity in employment.

58. Vocational guidance and vocational training for migrant workers should take into account that they may have a limited knowledge of the language of the country of employment. Paragraphs 51 and 52 of this Recommendation should be applied to them.

59. Vocational guidance and vocational training of migrant workers should take account of —

- (a) the needs of the country of employment;
- (b) the possible reintegration of migrant workers into the economy of their country of origin.

60. Account should be taken, as regards vocational guidance and vocational training for migrant workers, of the relevant provisions of international labour Conventions and Recommendations concerned with such workers. These questions should also be the subject of agreements between countries of origin and countries of employment.

X. TRAINING OF STAFF FOR VOCATIONAL GUIDANCE AND VOCATIONAL TRAINING ACTIVITIES

61. Provision for the training of staff should cover all persons responsible either full time or part time for planning, organising, administering, developing, supervising or giving vocational guidance or vocational training.

62. (1) In addition to receiving training in vocational guidance, including individual counselling, persons giving vocational guidance should be familiarised with the world of work generally and with the conditions of work and functions of persons engaged in a broad range of occupations at all levels of skill and responsibility as well as with the employment and career opportunities in these occupations and with the training courses and training facilities available for them; they should also be acquainted with general aspects of collective agreements and of rights and obligations under labour law.

(2) The training of persons giving vocational guidance should as appropriate include study of the physiological, psychological and sociological characteristics of different groups and of specialised guidance methods.

63. (1) Persons engaged in giving vocational training should have comprehensive theoretical and practical knowledge as well as substantial work experience in the technical field or functions concerned, together with technical and pedagogical training acquired in educational and training institutions.

(2) The training of such persons should, as appropriate, include study of the various characteristics and attitudes of different groups of trainees and of specialised training methods.

64. (1) Persons engaged in vocational training for particular branches of economic activity should be familiarised with the social, economic and technical aspects and conditions of the particular branch of economic activity concerned.

(2) For instance, in addition to technical and vocational education and vocational training in their speciality, persons engaged in rural development activities should receive training in such fields as —

- (a) the economics of agriculture, forestry and other rural activities;
- (b) methods and techniques of farm and forest management;
- (c) rural sociology and institutions;
- (d) mass communication and extension training techniques;
- (e) the activities of co-operatives where such exist.

65. Persons engaged in vocational guidance and vocational training activities for particular groups of the population should be familiarised with the special social and economic problems of these groups.

66. (1) Persons responsible for planning, organising, administering or supervising vocational guidance or vocational training programmes, including directors and managers of vocational guidance or vocational training institutions or services, training directors and officers of undertakings, and vocational guidance and vocational training consultants, should have had experience of giving vocational guidance or vocational training respectively.

(2) Wherever possible, persons with such responsibilities in regard to vocational training programmes should have had experience of work in undertakings on other than vocational training duties.

67. All persons engaged in vocational guidance and vocational training activities should be given frequent opportunities of refreshing and updating their knowledge of social, economic, technical and psychological elements relevant to their line of work and of learning about new methods and techniques applicable to their work.

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XI. RESEARCH

68. Members should make provision for research and experimental programmes designed with a view to —

- (a) determining criteria for setting priorities and establishing strategies for the development of vocational guidance and vocational training for particular branches of economic activity and groups of the population;
- (b) determining and forecasting employment opportunities in the various branches of economic activity and occupations;
- (c) increasing knowledge of the psychological, sociological and pedagogical aspects of vocational guidance and vocational training;
- (d) evaluating the internal efficiency and external effectiveness of individual components of the systems of vocational guidance and vocational training;
- (e) determining the direct and indirect costs and benefits of alternative patterns and methods of providing vocational guidance and vocational training;

- (f) improving, for the population concerned, the psychological tests and other methods used for the identification of talent, the appraisal of aptitudes and interests, and the assessment of levels of knowledge and skill attained through vocational training;
- (g) increasing available information on occupations and their requirements.

XII. ADMINISTRATIVE ASPECTS AND REPRESENTATIVE BODIES

69. (1) Public authorities and bodies concerned with general education and with vocational guidance, technical and vocational education, vocational training, training of staff for human resources development and management training, public authorities and bodies concerned with planning and implementation of employment and other social and economic development policies, and bodies representative of the various branches of economic activity and occupations, and of the various groups of the population concerned, should collaborate in establishing policies, and in planning and implementing programmes for vocational guidance and vocational training.

(2) Representatives of employers' and workers' organisations should be included in the bodies responsible for governing publicly operated training institutions and for supervising their operation; where such bodies do not exist, representatives of employers' and workers' organisations should in other ways participate in the setting-up, management and supervision of such institutions.

70. In addition to participating in the establishment of policy and the planning and implementation of programmes, representative bodies should, subject to national laws and regulations and within the framework of national planning —

- (a) encourage and assist their members to —
 - (i) provide opportunities and facilities for vocational guidance and vocational training;
 - (ii) support the provision of such opportunities and facilities;
 - (iii) make full use of them;
- (b) provide vocational guidance and vocational training as necessary to complement the action of other bodies, services or persons and provide information which will facilitate such action;
- (c) participate in research.

71. The respective roles and responsibilities of all those concerned with the development of human resources should be clearly defined.

72. In administering programmes of vocational guidance and vocational training provision should be made for —

- (a) advising the bodies, services, institutions and undertakings concerned on the social, technical and methodological aspects involved in the implementation of the programmes;
- (b) furnishing supporting services and facilities, such as research, standards and guidelines for the organisation of vocational guidance and vocational training and audio-visual aids and information on appropriate techniques and methods;
- (c) organising publicly controlled examinations or applying other means of assessing achievement for occupations covered by vocational training standards;
- (d) training of staff;
- (e) making available research findings and other experience to persons or bodies responsible for planning and implementing the programmes;
- (f) providing adequate financial support for implementing the programmes.

XIII. PERIODICAL REVIEWS

73. Members should periodically review their programmes of vocational guidance and vocational training with a view to —

- (a) achieving the best use of staff, facilities and media;

- (b) adjusting the organisation, content and methods of vocational guidance and vocational training in the light of changing conditions and requirements in the various branches of economic activity and the needs of particular groups of the population, as well as in the light of advances in relevant knowledge;
- (c) determining other action which may be required for the effectiveness of national policies for the furtherance of the goals referred to in Paragraphs 4 to 6 of this Recommendation.

XIV. INTERNATIONAL CO-OPERATION

74. Members should co-operate with each other to the fullest extent possible, with the participation, as desired, of governmental and non-governmental regional and international organisations, as well as non-governmental national organisations, in planning, elaborating and implementing programmes of vocational guidance and vocational training.

75. Such co-operation may include —

- (a) the provision, on a bilateral or multilateral basis, of assistance to other countries in the planning, elaboration or implementation of such programmes;
- (b) the organisation of joint research and experiments with a view to improving the efficiency and effectiveness of the planning and implementation of programmes;
- (c) making facilities available or establishing joint facilities to enable persons concerned with vocational guidance and vocational training to acquire knowledge, skill and experience which are not available in their own countries;
- (d) the systematic exchange of information on vocational guidance and vocational training, including the results of research and experimental programmes, by means of expert meetings, seminars, study groups or exchange of publications;
- (e) the progressive harmonisation of vocational training standards for the same occupation within a group of countries with a view to facilitating occupational mobility and access to training abroad;
- (f) the preparation and dissemination of basic vocational guidance and vocational training material and aids, including curricula and job specifications, with a view to their use in a group of countries or a region with similar requirements or working towards the harmonisation of vocational training levels and of vocational guidance practices.

76. Members should consider establishing or contributing to the joint establishment or operation of centres for a region or group of countries to facilitate exchange of experience and promote co-operation in programme development and methodological research.

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XV. EFFECT ON EARLIER RECOMMENDATIONS

77. (1) This Recommendation supersedes the Vocational Guidance Recommendation, 1949, the Vocational Training (Agriculture) Recommendation, 1956, and the Vocational Training Recommendation, 1962.

(2) The Vocational Rehabilitation (Disabled) Recommendation, 1955, the Vocational Training (Fishermen) Recommendation, 1966, the Special Youth Schemes Recommendation, 1970, and the Vocational Training (Seafarers) Recommendation, 1970, remain applicable to the categories of persons covered by their terms.

Convention No. 158**Convention concerning Termination of Employment
at the Initiative of the Employer, 1982¹**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Sixty-eighth Session on 2 June 1982, and
Noting the existing international standards contained in the Termination of Employment Recommendation, 1963, and
Noting that since the adoption of the Termination of Employment Recommendation, 1963, significant developments have occurred in the law and practice of many member States on the questions covered by that Recommendation, and
Considering that these developments have made it appropriate to adopt new international standards on the subject, particularly having regard to the serious problems in this field resulting from the economic difficulties and technological changes experienced in recent years in many countries,
Having decided upon the adoption of certain proposals with regard to termination of employment at the initiative of the employer, which is the fifth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-second day of June of the year one thousand nine hundred and eighty-two the following Convention, which may be cited as the Termination of Employment Convention, 1982:

PART I. METHODS OF IMPLEMENTATION, SCOPE AND DEFINITIONS*Article 1*

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

Article 2

1. This Convention applies to all branches of economic activity and to all employed persons.
2. A Member may exclude the following categories of employed persons from all or some of the provisions of this Convention:

¹ Ed.: This Convention came into force on 3 November 1985.

- (a) workers engaged under a contract of employment for a specified period of time or a specified task;
- (b) workers serving a period of probation or a qualifying period of employment, determined in advance and of reasonable duration;
- (c) workers engaged on a casual basis for a short period.

3. Adequate safeguards shall be provided against recourse to contracts of employment for a specified period of time the aim of which is to avoid the protection resulting from this Convention.

4. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Convention or certain provisions thereof categories of employed persons whose terms and conditions of employment are governed by special arrangements which as a whole provide protection that is at least equivalent to the protection afforded under the Convention.

5. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Convention or certain provisions thereof other limited categories of employed persons in respect of which special problems of a substantial nature arise in the light of the particular conditions of employment of the workers concerned or the size or nature of the undertaking that employs them.

6. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraphs 4 and 5 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice regarding the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

Article 3

For the purpose of this Convention the terms “termination” and “termination of employment” mean termination of employment at the initiative of the employer.

PART II. STANDARDS OF GENERAL APPLICATION

DIVISION A. JUSTIFICATION FOR TERMINATION

Article 4

The employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service.

Article 5

The following, inter alia, shall not constitute valid reasons for termination:

- (a) union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours;
- (b) seeking office as, or acting or having acted in the capacity of, a workers' representative;
- (c) the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
- (d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
- (e) absence from work during maternity leave.

Article 6

1. Temporary absence from work because of illness or injury shall not constitute a valid reason for termination.

2. The definition of what constitutes temporary absence from work, the extent to which medical certification shall be required and possible limitations to the application of paragraph 1 of this Article shall be determined in accordance with the methods of implementation referred to in Article 1 of this Convention.

DIVISION B. PROCEDURE PRIOR TO OR AT THE TIME OF TERMINATION

Article 7

The employment of a worker shall not be terminated for reasons related to the worker's conduct or performance before he is provided an opportunity to defend himself against the allegations made, unless the employer cannot reasonably be expected to provide this opportunity.

DIVISION C. PROCEDURE OF APPEAL AGAINST TERMINATION

Article 8

1. A worker who considers that his employment has been unjustifiably terminated shall be entitled to appeal against that termination to an impartial body, such as a court, labour tribunal, arbitration committee or arbitrator.

2. Where termination has been authorised by a competent authority the application of paragraph 1 of this Article may be varied according to national law and practice.

3. A worker may be deemed to have waived his right to appeal against the termination of his employment if he has not exercised that right within a reasonable period of time after termination.

Article 9

1. The bodies referred to in Article 8 of this Convention shall be empowered to examine the reasons given for the termination and the other circumstances relating to the case and to render a decision on whether the termination was justified.

2. In order for the worker not to have to bear alone the burden of proving that the termination was not justified, the methods of implementation referred to in Article 1 of this Convention shall provide for one or the other or both of the following possibilities:

- (a) the burden of proving the existence of a valid reason for the termination as defined in Article 4 of this Convention shall rest on the employer;
- (b) the bodies referred to in Article 8 of this Convention shall be empowered to reach a conclusion on the reason for the termination having regard to the evidence provided by the parties and according to procedures provided for by national law and practice.

3. In cases of termination stated to be for reasons based on the operational requirements of the undertaking, establishment or service, the bodies referred to in Article 8 of this Convention shall be empowered to determine whether the termination was indeed for these reasons, but the extent to which they shall also be empowered to decide whether these reasons are sufficient to justify that termination shall be determined by the methods of implementation referred to in Article 1 of this Convention.

Article 10

If the bodies referred to in Article 8 of this Convention find that termination is unjustified and if they are not empowered or do not find it practicable, in accordance with national law and practice, to declare the termination invalid and/or order or propose reinstatement of the worker, they

shall be empowered to order payment of adequate compensation or such other relief as may be deemed appropriate.

DIVISION D. PERIOD OF NOTICE

Article 11

A worker whose employment is to be terminated shall be entitled to a reasonable period of notice or compensation in lieu thereof, unless he is guilty of serious misconduct, that is, misconduct of such a nature that it would be unreasonable to require the employer to continue his employment during the notice period.

DIVISION E. SEVERANCE ALLOWANCE AND OTHER INCOME PROTECTION

Article 12

1. A worker whose employment has been terminated shall be entitled, in accordance with national law and practice, to:

- (a) a severance allowance or other separation benefits, the amount of which shall be based inter alia on length of service and the level of wages, and paid directly by the employer or by a fund constituted by employers' contributions; or
- (b) benefits from unemployment insurance or assistance or other forms of social security, such as old-age or invalidity benefits, under the normal conditions to which such benefits are subject; or
- (c) a combination of such allowance and benefits.

2. A worker who does not fulfil the qualifying conditions for unemployment insurance or assistance under a scheme of general scope need not be paid any allowance or benefit referred to in paragraph 1, subparagraph (a), of this Article solely because he is not receiving an unemployment benefit under paragraph 1, subparagraph (b).

3. Provision may be made by the methods of implementation referred to in Article 1 of this Convention for loss of entitlement to the allowance or benefits referred to in paragraph 1, subparagraph (a), of this Article in the event of termination for serious misconduct.

PART III. SUPPLEMENTARY PROVISIONS CONCERNING TERMINATIONS OF EMPLOYMENT FOR ECONOMIC, TECHNOLOGICAL, STRUCTURAL OR SIMILAR REASONS

DIVISION A. CONSULTATION OF WORKERS' REPRESENTATIVES

Article 13

1. When the employer contemplates terminations for reasons of an economic, technological, structural or similar nature, the employer shall:

- (a) provide the workers' representatives concerned in good time with relevant information including the reasons for the terminations contemplated, the number and categories of workers likely to be affected and the period over which the terminations are intended to be carried out;
- (b) give, in accordance with national law and practice, the workers' representatives concerned, as early as possible, an opportunity for consultation on measures to be taken to avert or to minimise the terminations and measures to mitigate the adverse effects of any terminations on the workers concerned such as finding alternative employment.

2. The applicability of paragraph 1 of this Article may be limited by the methods of implementation referred to in Article 1 of this Convention to cases in which the number of workers whose termination of employment is contemplated is at least a specified number or percentage of the workforce.

3. For the purposes of this Article the term “the workers’ representatives concerned” means the workers’ representatives recognised as such by national law or practice, in conformity with the Workers’ Representatives Convention, 1971.

DIVISION B. NOTIFICATION TO THE COMPETENT AUTHORITY

Article 14

1. When the employer contemplates terminations for reasons of an economic, technological, structural or similar nature, he shall notify, in accordance with national law and practice, the competent authority thereof as early as possible, giving relevant information, including a written statement of the reasons for the terminations, the number and categories of workers likely to be affected and the period over which the terminations are intended to be carried out.

2. National laws or regulations may limit the applicability of paragraph 1 of this Article to cases in which the number of workers whose termination of employment is contemplated is at least a specified number or percentage of the workforce.

3. The employer shall notify the competent authority of the terminations referred to in paragraph 1 of this Article a minimum period of time before carrying out the terminations, such period to be specified by national laws or regulations.

PART IV. FINAL PROVISIONS

Article 15

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

Article 16

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 20

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

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

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

Article 22

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

Recommendation No. 166**Recommendation concerning
Termination of Employment
at the Initiative of the Employer, 1982**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Sixty-eighth Session on 2 June 1982, and
Having decided upon the adoption of certain proposals with regard to termination of employment
at the initiative of the employer, which is the fifth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation supplementing
the Termination of Employment Convention, 1982;
adopts this twenty-second day of June of the year one thousand nine hundred and eighty-two, the
following Recommendation, which may be cited as the Termination of Employment Recommendation,
1982:

I. METHODS OF IMPLEMENTATION, SCOPE AND DEFINITIONS

1. The provisions of this Recommendation may be applied by national laws or regulations, collective agreements, works rules, arbitration awards or court decisions or in such other manner consistent with national practice as may be appropriate under national conditions.

2. (1) This Recommendation applies to all branches of economic activity and to all employed persons.

(2) A Member may exclude the following categories of employed persons from all or some of the provisions of this Recommendation:

- (a) workers engaged under a contract of employment for a specified period of time or a specified task;
- (b) workers serving a period of probation or a qualifying period of employment, determined in advance and of reasonable duration;
- (c) workers engaged on a casual basis for a short period.

(3) In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Recommendation or certain provisions thereof categories of employed persons whose terms and conditions of employment are governed by special arrangements, which as a whole provide protection that is at least equivalent to the protection afforded under the Recommendation.

(4) In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Recommendation or

certain provisions thereof other limited categories of employed persons in respect of which special problems of a substantial nature arise in the light of the particular conditions of employment of the workers concerned or the size or nature of the undertaking that employs them.

3. (1) Adequate safeguards should be provided against recourse to contracts of employment for a specified period of time the aim of which is to avoid the protection resulting from the Termination of Employment Convention, 1982, and this Recommendation.

(2) To this end, for example, provision may be made for one or more of the following:

- (a) limiting recourse to contracts for a specified period of time to cases in which, owing either to the nature of the work to be effected or to the circumstances under which it is to be effected or to the interests of the worker, the employment relationship cannot be of indeterminate duration;
- (b) deeming contracts for a specified period of time, other than in the cases referred to in clause (a) of this subparagraph, to be contracts of employment of indeterminate duration;
- (c) deeming contracts for a specified period of time, when renewed on one or more occasions, other than in the cases mentioned in clause (a) of this subparagraph, to be contracts of employment of indeterminate duration.

4. For the purpose of this Recommendation the terms termination and termination of employment mean termination of employment at the initiative of the employer.

II. STANDARDS OF GENERAL APPLICATION

Justification for Termination

5. In addition to the grounds referred to in Article 5 of the Termination of Employment Convention, 1982, the following should not constitute valid reasons for termination:

- (a) age, subject to national law and practice regarding retirement;
- (b) absence from work due to compulsory military service or other civic obligations, in accordance with national law and practice.

6. (1) Temporary absence from work because of illness or injury should not constitute a valid reason for termination.

(2) The definition of what constitutes temporary absence from work, the extent to which medical certification should be required and possible limitations to the application of subparagraph (1) of this Paragraph should be determined in accordance with the methods of implementation referred to in Paragraph 1 of this Recommendation.

Procedure Prior to or at the Time of Termination

7. The employment of a worker should not be terminated for misconduct of a kind that under national law or practice would justify termination only if repeated on one or more occasions, unless the employer has given the worker appropriate written warning.

8. The employment of a worker should not be terminated for unsatisfactory performance, unless the employer has given the worker appropriate instructions and written warning and the worker continues to perform his duties unsatisfactorily after a reasonable period of time for improvement has elapsed.

9. A worker should be entitled to be assisted by another person when defending himself, in accordance with Article 7 of the Termination of Employment Convention, 1982, against allegations regarding his conduct or performance liable to result in the termination of his employment; this right may be specified by the methods of implementation referred to in Paragraph 1 of this Recommendation.

10. The employer should be deemed to have waived his right to terminate the employment of a worker for misconduct if he has failed to do so within a reasonable period of time after he has knowledge of the misconduct.

11. The employer may consult workers' representatives before a final decision is taken on individual cases of termination of employment.

12. The employer should notify a worker in writing of a decision to terminate his employment.

13. (1) A worker who has been notified of termination of employment or whose employment has been terminated should be entitled to receive, on request, a written statement from his employer of the reason or reasons for the termination.

(2) Subparagraph (1) of this Paragraph need not be applied in the case of collective termination for the reasons referred to in Articles 13 and 14 of the Termination of Employment Convention, 1982, if the procedure provided for therein is followed.

Procedure of Appeal against Termination

14. Provision may be made for recourse to a procedure of conciliation before or during appeal proceedings against termination of employment.

15. Efforts should be made by public authorities, workers' representatives and organisations of workers to ensure that workers are fully informed of the possibilities of appeal at their disposal.

Time Off from Work during the Period of Notice

16. During the period of notice referred to in Article 11 of the Termination of Employment Convention, 1982, the worker should, for the purpose of seeking other employment, be entitled to a reasonable amount of time off without loss of pay, taken at times that are convenient to both parties.

Certificate of Employment

17. A worker whose employment has been terminated should be entitled to receive, on request, a certificate from the employer specifying only the dates of his engagement and termination of his employment and the type or types of work on which he was employed; nevertheless, and at the request of the worker, an evaluation of his conduct and performance may be given in this certificate or in a separate certificate.

Severance Allowance and Other Income Protection

18. (1) A worker whose employment has been terminated should be entitled, in accordance with national law and practice, to-

- (a) a severance allowance or other separation benefits, the amount of which should be based, inter alia, on length of service and the level of wages, and paid directly by the employer or by a fund constituted by employers' contributions; or
- (b) benefits from unemployment insurance or assistance or other forms of social security, such as old-age or invalidity benefits, under the normal conditions to which such benefits are subject; or
- (c) a combination of such allowance and benefits.

(2) A worker who does not fulfil the qualifying conditions for unemployment insurance or assistance under a scheme of general scope need not be paid any allowance or benefit referred to in subparagraph (1) (a) of this Paragraph solely because he is not receiving an unemployment benefit under subparagraph (1) (b).

(3) Provision may be made by the methods of implementation referred to in Paragraph 1 of this Recommendation for loss of entitlement to the allowance or benefits referred to in subparagraph (1) (a) of this Paragraph in the event of termination for serious misconduct.

III. SUPPLEMENTARY PROVISIONS CONCERNING TERMINATIONS OF EMPLOYMENT FOR ECONOMIC, TECHNOLOGICAL, STRUCTURAL OR SIMILAR REASONS

19. (1) All parties concerned should seek to avert or minimise as far as possible termination of employment for reasons of an economic, technological, structural or similar nature, without prejudice to the efficient operation of the undertaking, establishment or service, and to mitigate the adverse effects of any termination of employment for these reasons on the worker or workers concerned.

(2) Where appropriate, the competent authority should assist the parties in seeking solutions to the problems raised by the terminations contemplated.

Consultations on Major Changes in the Undertaking

20. (1) When the employer contemplates the introduction of major changes in production, programme, organisation, structure or technology that are likely to entail terminations, the employer should consult the workers' representatives concerned as early as possible on, inter alia, the introduction of such changes, the effects they are likely to have and the measures for averting or mitigating the adverse effects of such changes.

(2) To enable the workers' representatives concerned to participate effectively in the consultations referred to in subparagraph (1) of this Paragraph, the employer should supply them in good time with all relevant information on the major changes contemplated and the effects they are likely to have.

(3) For the purposes of this Paragraph the term the workers' representatives concerned means the workers' representatives recognised as such by national law or practice, in conformity with the Workers' Representatives Convention, 1971.

Measures to Avert or Minimise Termination

21. The measures which should be considered with a view to averting or minimising terminations of employment for reasons of an economic, technological, structural or similar nature might include, inter alia, restriction of hiring, spreading the workforce reduction over a certain period of time to permit natural reduction of the workforce, internal transfers, training and retraining, voluntary early retirement with appropriate income protection, restriction of overtime and reduction of normal hours of work.

22. Where it is considered that a temporary reduction of normal hours of work would be likely to avert or minimise terminations of employment due to temporary economic difficulties, consideration should be given to partial compensation for loss of wages for the normal hours not worked, financed by methods appropriate under national law and practice.

Criteria for Selection for Termination

23. (1) The selection by the employer of workers whose employment is to be terminated for reasons of an economic, technological, structural or similar nature should be made according to criteria, established wherever possible in advance, which give due weight both to the interests of the undertaking, establishment or service and to the interests of the workers.

(2) These criteria, their order of priority and their relative weight, should be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation.

Priority of Rehiring

24. (1) Workers whose employment has been terminated for reasons of an economic, technological, structural or similar nature, should be given a certain priority of rehiring if the employer again hires workers with comparable qualifications, subject to their having, within a given period from the time of their leaving, expressed a desire to be rehired.

(2) Such priority of rehiring may be limited to a specified period of time.

(3) The criteria for the priority of rehiring, the question of retention of rights-particularly seniority rights-in the event of rehiring, as well as the terms governing the wages of rehired workers, should be determined according to the methods of implementation referred to in Paragraph 1 of this Recommendation.

Mitigating the Effects of Termination

25. (1) In the event of termination of employment for reasons of an economic, technological, structural or similar nature, the placement of the workers affected in suitable alternative employment as soon as possible, with training or retraining where appropriate, should be promoted by measures suitable to national circumstances, to be taken by the competent authority, where possible with the collaboration of the employer and the workers' representatives concerned.

(2) Where possible, the employer should assist the workers affected in the search for suitable alternative employment, for example through direct contacts with other employers.

(3) In assisting the workers affected in obtaining suitable alternative employment or training or retraining, regard may be had to the Human Resources Development Convention and Recommendation, 1975.

26. (1) With a view to mitigating the adverse effects of termination of employment for reasons of an economic, technological, structural or similar nature, consideration should be given to providing income protection during any course of training or retraining and partial or total reimbursement of expenses connected with training or retraining and with finding and taking up employment which requires a change of residence.

(2) The competent authority should consider providing financial resources to support in full or in part the measures referred to in subparagraph (1) of this Paragraph, in accordance with national law and practice.

IV. EFFECT ON EARLIER RECOMMENDATION

27. This Recommendation and the Termination of Employment Convention, 1982, supersede the Termination of Employment Recommendation, 1963.

FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

- Equal Remuneration C100, R90
- Discrimination (Employment and Occupation) C111, R111
- Minimum Age C138, R146
- Worst Forms of Child Labour C182, R190
- Freedom of Association and Protection of the Right to Organise C87, C98
- Forced Labour C29, R35
- Abolition of Forced Labour C105

MATERNITY PROTECTION, WORK AND FAMILY

- Maternity Protection C103, R95, C183, R191
- Workers with Family Responsibilities C156, R165

EMPLOYMENT PROMOTION

- Employment Policy C122, R122, R169
- Human Resources Development C142, R150
- Termination of Employment C158, R166

WORKING CONDITIONS

- Night Work C89, P1990, C171, R178
- Home Work C177, R184
- Part-time Work C175, R182
- Occupational Safety and Health Convention C155, P2002, R164

MIGRANT WORKERS

- Migration for Employment C97, R86
- Migrant Workers C143, R151

Convention No. 89

Convention concerning Night Work of Women Employed in Industry (Revised 1948)¹

The General Conference of the International Labour Organisation,
Having been convened at San Francisco by the Governing Body of the International Labour Office,
and having met in its Thirty-first Session on 17 June 1948, and
Having decided upon the adoption of certain proposals with regard to the partial revision of the
Night Work (Women) Convention, 1919, adopted by the Conference at its First Session, and
the Night Work (Women) Convention (Revised), 1934, adopted by the Conference at its Eighth-
teenth Session, which is the ninth item on the agenda of the session, and
Considering that these proposals must take the form of an international Convention,
adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following
Convention, which may be cited as the Night Work (Women) Convention (Revised), 1948:

PART I. GENERAL PROVISIONS

Article 1

1. For the purpose of this Convention, the term “industrial undertaking includes particularly —
 - (a) mines, quarries, and other works for the extraction of minerals from the earth;
 - (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
 - (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.
2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

For the purpose of this Convention the term “night signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o’clock in the evening and seven o’clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings

¹ Ed.: This Convention came into force on 27 February 1951. It was partially revised by the Protocol adopted in 1990. See also Convention No. 171. Convention No. 89 is open to ratification either with the Protocol or separately.

or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply —

- (a) in case of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss.

Article 5

1. The prohibition of night work for women may be suspended by the government, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

2. Such suspension shall be notified by the government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above Articles if compensatory rest is accorded during the day.

Article 8

This Convention does not apply to —

- (a) women holding responsible positions of a managerial or technical character; and
- (b) women employed in health and welfare services who are not ordinarily engaged in manual work.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 9

In those countries where no government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the government to signify a period of only ten hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning.

Article 10

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

2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.

3. The term “industrial undertaking shall include —

- (a) factories as defined in the Indian Factories Act; and
- (b) mines to which the Indian Mines Act applies.

Article 11

1. The provisions of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.

3. The term “industrial undertaking shall include —

- (a) factories as defined in the Factories Act;
- (b) mines to which the Mines Act applies.

Article 12

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding Articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

(Final Provisions)

Protocole of 1990

Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its 77th Session on 6 June 1990, and
Having decided upon the adoption of certain proposals with regard to night work, which is the
fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Protocol to the Night Work
(Women) Convention (Revised), 1948 (hereinafter referred to as “the Convention”),
adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the fol-
lowing Protocol, which may be cited as the Protocol of 1990 to the Night Work (Women) Con-
vention (Revised), 1948:

Article 1

1. (1) National laws or regulations, adopted after consulting the most representative organ-
isations of employers and workers, may provide that variations in the duration of the night period
as defined in Article 2 of the Convention and exemptions from the prohibition of night work con-
tained in Article 3 thereof may be introduced by decision of the competent authority:

- (a) in a specific branch of activity or occupation, provided that the organisations representative
of the employers and the workers concerned have concluded an agreement or have given their
agreement;
- (b) in one or more specific establishments not covered by a decision taken pursuant to clause (a)
above, provided that:
 - (i) an agreement has been concluded in the establishment or enterprise concerned between
the employer and the workers’ representatives concerned; and
 - (ii) the organisations representative of the employers and the workers of the branch of activ-
ity or occupation concerned or the most representative organisations of employers and
workers have been consulted;
- (c) in a specific establishment not covered by a decision taken pursuant to clause (a) above,
and where no agreement has been reached in accordance with clause (b)(i) above, provided
that:
 - (i) the workers’ representatives in the establishment or enterprise as well as the organisa-
tions representative of the employers and the workers of the branch of activity or occu-
pation concerned or the most representative organisations of employers and workers
have been consulted;
 - (ii) the competent authority has satisfied itself that adequate safeguards exist in the estab-
lishment as regards occupational safety and health, social services and equality of
opportunity and treatment for women workers; and

- (iii) the decision of the competent authority shall apply for a specified period of time, which may be renewed by means of the procedure under sub- clauses (i) and (ii) above.

(2) For the purposes of this paragraph the term “workers’ representatives means persons who are recognised as such by national law or practice, in accordance with the Workers’ Representatives Convention, 1971.

2. The laws or regulations referred to in paragraph 1 shall determine the circumstances in which such variations and exemptions may be permitted and the conditions to which they shall be subject.

Article 2

1. It shall be prohibited to apply the variations and exemptions permitted pursuant to Article 1 above to women workers during a period before and after childbirth of at least 16 weeks, of which at least eight weeks shall be before the expected date of childbirth. National laws or regulations may allow for the lifting of this prohibition at the express request of the woman worker concerned on condition that neither her health nor that of her child will be endangered.

2. The prohibition provided for in paragraph 1 of this Article shall also apply to additional periods in respect of which a medical certificate is produced stating that this is necessary for the health of the mother or child:

- (a) during pregnancy; or
- (b) during a specified time prolonging the period after childbirth fixed pursuant to paragraph 1 above.

3. During the periods referred to in paragraphs 1 and 2 of this Article:

- (a) a woman worker shall not be dismissed or given notice of dismissal, except for justifiable reasons not connected with pregnancy or childbirth;
- (b) the income of a woman worker concerned shall be maintained at a level sufficient for the upkeep of herself and her child in accordance with a suitable standard of living. This income maintenance may be ensured through assignment to day work, extended maternity leave, social security benefits or any other appropriate measure, or through a combination of these measures.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not have the effect of reducing the protection and benefits connected with maternity leave.

Article 3

Information on the variations and exemptions introduced pursuant to this Protocol shall be included in the reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.

(Final Provisions)

P1990

Convention No. 171**Convention concerning Night Work, 1990**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 77th Session on 6 June 1990, and
Noting the provisions of international labour Conventions and Recommendations on the night work of children and young persons, and specifically the provisions in the Night Work of Young Persons (Non-Industrial Occupations) Convention and Recommendation, 1946, the Night Work of Young Persons (Industry) Convention (Revised), 1948, and the Night Work of Children and Young Persons (Agriculture) Recommendation, 1921, and
Noting the provisions of international labour Conventions and Recommendations on night work of women, and specifically the provisions in the Night Work (Women) Convention (Revised), 1948, and the Protocol of 1990 thereto, the Night Work of Women (Agriculture) Recommendation, 1921, and Paragraph 5 of the Maternity Protection Recommendation, 1952, and
Noting the provisions of the Discrimination (Employment and Occupation) Convention, 1958, and
Noting the provisions of the Maternity Protection Convention (Revised), 1952, and
Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Convention, which may be cited as the Night Work Convention, 1990:

Article 1

For the purposes of this Convention:

- (a) the term “night work” means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements;
- (b) the term “night worker” means an employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements.

Article 2

1. This Convention applies to all employed persons except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation.
2. A Member which ratifies this Convention may, after consulting the representative organisations of employers and workers concerned, exclude wholly or partly from its scope limited cat-

egories of workers when the application of the Convention to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in paragraph 2 of this Article shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate the particular categories of workers thus excluded and the reasons for their exclusion. It shall also describe all measures taken with a view to progressively extending the provisions of the Convention to the workers concerned.

Article 3

1. Specific measures required by the nature of night work, which shall include, as a minimum, those referred to in Articles 4 to 10, shall be taken for night workers in order to protect their health, assist them to meet their family and social responsibilities, provide opportunities for occupational advancement, and compensate them appropriately. Such measures shall also be taken in the fields of safety and maternity protection for all workers performing night work.

2. The measures referred to in paragraph 1 above may be applied progressively.

Article 4

1. At their request, workers shall have the right to undergo a health assessment without charge and to receive advice on how to reduce or avoid health problems associated with their work:

- (a) before taking up an assignment as a night worker;
- (b) at regular intervals during such an assignment;
- (c) if they experience health problems during such an assignment which are not caused by factors other than the performance of night work.

2. With the exception of a finding of unfitness for night work, the findings of such assessments shall not be transmitted to others without the workers' consent and shall not be used to their detriment.

Article 5

Suitable first-aid facilities shall be made available for workers performing night work, including arrangements whereby such workers, where necessary, can be taken quickly to a place where appropriate treatment can be provided.

Article 6

1. Night workers certified, for reasons of health, as unfit for night work shall be transferred, whenever practicable, to a similar job for which they are fit.

2. If transfer to such a job is not practicable, these workers shall be granted the same benefits as other workers who are unable to work or to secure employment.

3. A night worker certified as temporarily unfit for night work shall be given the same protection against dismissal or notice of dismissal as other workers who are prevented from working for reasons of health.

Article 7

1. Measures shall be taken to ensure that an alternative to night work is available to women workers who would otherwise be called upon to perform such work:

- (a) before and after childbirth, for a period of at least sixteen weeks of which at least eight weeks shall be before the expected date of childbirth;

- (b) for additional periods in respect of which a medical certificate is produced stating that it is necessary for the health of the mother or child:
 - (i) during pregnancy;
 - (ii) during a specified time beyond the period after childbirth fixed pursuant to subparagraph (a) above, the length of which shall be determined by the competent authority after consulting the most representative organisations of employers and workers.
- 2. The measures referred to in paragraph 1 of this Article may include transfer to day work where this is possible, the provision of social security benefits or an extension of maternity leave.
- 3. During the periods referred to in paragraph 1 of this Article:
 - (a) a woman worker shall not be dismissed or given notice of dismissal, except for justifiable reasons not connected with pregnancy or childbirth;
 - (b) the income of the woman worker shall be maintained at a level sufficient for the upkeep of herself and her child in accordance with a suitable standard of living. This income maintenance may be ensured by any of the measures listed in paragraph 2 of this Article, by other appropriate measures or by a combination of these measures;
 - (c) a woman worker shall not lose the benefits regarding status, seniority and access to promotion which may attach to her regular night work position.
- 4. The provisions of this Article shall not have the effect of reducing the protection and benefits connected with maternity leave.

Article 8

Compensation for night workers in the form of working time, pay or similar benefits shall recognise the nature of night work.

Article 9

Appropriate social services shall be provided for night workers and, where necessary, for workers performing night work.

Article 10

1. Before introducing work schedules requiring the services of night workers, the employer shall consult the workers' representatives concerned on the details of such schedules and the forms of organisation of night work that are best adapted to the establishment and its personnel as well as on the occupational health measures and social services which are required. In establishments employing night workers this consultation shall take place regularly.

2. For the purposes of this Article the term "workers' representatives" means persons who are recognised as such by national law or practice, in accordance with the Workers' Representatives Convention, 1971.

Article 11

1. The provisions of this Convention may be implemented by laws or regulations, collective agreements, arbitration awards or court decisions, a combination of these means or in any other manner appropriate to national conditions and practice. In so far as they have not been given effect by other means, they shall be implemented by laws or regulations.

2. Where the provisions of this Convention are implemented by laws or regulations, there shall be prior consultation with the most representative organisations of employers and workers.

(Final Provisions)

Recommendation No. 178

Recommendation concerning Night Work, 1990

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its 77th Session on 6 June 1990, and
 Having decided upon the adoption of certain proposals with regard to night work, which is the
 fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing
 the Night Work Convention, 1990,
 adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the fol-
 lowing Recommendation, which may be cited as the Night Work Recommendation, 1990:

I. GENERAL PROVISIONS

1. For the purposes of this Recommendation:
 - (a) the term “night work” means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements;
 - (b) the term “night worker” means an employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements.
2. This Recommendation applies to all employed persons, except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation.
3. (1) The provisions of this Recommendation may be implemented by laws or regulations, collective agreements, arbitration awards or court decisions, a combination of these means or in any other manner appropriate to national conditions and practice. In so far as they have not been given effect by other means, they should be implemented by laws or regulations.
- (2) Where the provisions of this Recommendation are implemented by laws or regulations, there should be prior consultation with the most representative organisations of employers and workers.

II. HOURS OF WORK AND REST PERIODS

4. (1) Normal hours of work for night workers should not exceed eight in any 24-hour period in which they perform night work, except in the case of work which includes substantial periods of mere attendance or stand-by, in cases in which alternative working schedules give workers at least equivalent protection over different periods or in cases of exceptional circumstances recognised by collective agreements or failing that by the competent authority.

(2) The normal hours of work of night workers should generally be less on average than and, in any case, not exceed on average those of workers performing the same work to the same requirements by day in the branch of activity or the undertaking concerned.

(3) Night workers should benefit to at least the same extent as other workers from general measures for reducing normal weekly hours of work and increasing days of paid leave.

5. (1) Work should be organised in such a way as to avoid, as far as possible, overtime by night workers before or after a daily period of work which includes night work.

(2) In occupations involving special hazards or heavy physical or mental strain, no overtime should be performed by night workers before or after a daily period of work which includes night work, except in cases of force majeure or of actual or imminent accident.

6. Where shift work involves night work:

- (a) in no case should two consecutive full-time shifts be performed, except in cases of force majeure or of actual or imminent accident;
- (b) a rest period of at least 11 hours between two shifts should be guaranteed as far as possible.

7. Daily periods of work which include night work should include a break or breaks to enable workers to rest and eat. The scheduling and total length of these breaks should take account of the demands placed on workers by the nature of night work.

III. FINANCIAL COMPENSATION

8. (1) Night work should generally give rise to appropriate financial compensation. Such compensation should be additional to the remuneration paid for the same work performed to the same requirements during the day and:

- (a) should respect the principle of equal pay for men and women for the same work, or for work of equal value; and
- (b) may by agreement be converted into reduced working time.

(2) In determining such compensation, the extent of reductions in working hours may be taken into account.

9. Where financial compensation for night work is a normal element in a night worker's earnings, it should be included in the calculation of the remuneration of paid annual leave, paid public holidays and other absences that are normally paid as well as in the fixing of social security contributions and benefits.

IV. SAFETY AND HEALTH

10. Employers and the workers' representatives concerned should be able to consult the occupational health services, where they exist, on the consequences of various forms of organisation of night work, especially when undertaken by rotating crews.

11. In determining the content of the tasks assigned to night workers, account should be taken of the nature of night work and of the effects of environmental factors and forms of work organisation. Special attention should be paid to factors such as toxic substances, noise, vibrations and lighting levels and to forms of work organisation involving heavy physical or mental strain. Cumulative effects from such factors and forms of work organisation should be avoided or reduced.

12. The employer should take the necessary measures to maintain during night work the same level of protection against occupational hazards as by day, in particular avoiding, as far as possible, the isolation of workers.

V. SOCIAL SERVICES

13. Measures should be taken to limit or reduce the time spent by night workers in travelling between their residence and workplace, to avoid or reduce additional travelling expenses for them and to improve their safety when travelling at night. Such measures may include:

- (a) co-ordination between the starting and finishing times of daily periods of work which include night work and the schedules of local public transport services;
- (b) provision by the employer of collective means of transport for night workers where public transport services are not available;
- (c) assistance to night workers in the acquisition of appropriate means of transport;
- (d) the payment of appropriate compensation for additional travelling expenses;
- (e) the building of housing complexes within a reasonable distance of the workplace.

14. Measures should be taken to improve the quality of rest for night workers. Such measures may include:

- (a) advice and, where appropriate, assistance to night workers for noise insulation of their housing;
- (b) design and equipping of housing complexes which take into account the need to reduce noise levels.

15. Suitably equipped resting facilities should be made available to night workers in appropriate places in the undertaking.

16. The employer should take the necessary measures to enable workers performing night work to obtain meals and beverages. Such measures, devised in such a way as to meet the needs of night workers, may include:

- (a) making available, at appropriate places in the undertaking, food and beverages suitable for consumption at night;
- (b) access to facilities where workers may, at night, prepare or heat and eat food which they have brought.

17. The extent to which night work is performed locally should be one of the factors to be taken into consideration when deciding on the establishment of crèches or other services for the care of young children, choosing their location and determining their opening hours.

18. The specific constraints on night workers should be duly taken into consideration by the public authorities, by other institutions and by employers within the framework of measures to encourage training and retraining, as well as cultural, sporting or recreational activities for workers.

VI. OTHER MEASURES

19. At any point during pregnancy, once this is known, women night workers who so request should be assigned to day work, as far as practicable.

20. In cases of shift work, the special situation of workers with family responsibilities, of workers undergoing training and of older workers should be taken into consideration when decisions are taken on the composition of night crews.

21. Except in cases of force majeure or of actual or imminent accident, workers should be given reasonable notice of a requirement to perform night work.

22. Measures should be taken, where appropriate, to enable night workers, like other workers, to benefit from training opportunities including paid educational leave.

23. (1) Night workers who have completed a given number of years on night work should be accorded special consideration with respect to vacancies for day work for which they have the necessary qualifications.

(2) Preparations should be made for such transfers by facilitating the training of night workers where necessary for tasks normally performed by day.

24. Workers who have spent a considerable number of years as night workers should be accorded special consideration with respect to opportunities for voluntary early or phased retirement where such opportunities exist.

25. Night workers who have a trade union or workers' representation function should, like other workers who assume such a function, be able to exercise it in appropriate conditions. The need to carry out workers' representation functions should be taken into consideration when decisions are made concerning assignment of workers' representatives to night work.

26. Statistics on night work should be improved and studies on the effects of different forms of organisation of night work, particularly when carried out in the framework of shift systems, should be intensified.

27. Wherever possible, advantage should be taken of scientific and technical progress and of innovations relating to work organisation in order to limit recourse to night work.

Convention No. 177

Convention concerning Home Work, 1996

The General Conference of the International Labour Organization,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Eighty-third Session on 4 June 1996, and
 Recalling that many international labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to homeworkers, and
 Noting that the particular conditions characterizing home work make it desirable to improve the application of those Conventions and Recommendations to homeworkers, and to supplement them by standards which take into account the special characteristics of home work, and
 Having decided upon the adoption of certain proposals with regard to home work, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention;
 adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Home Work Convention, 1996:

Article 1

For the purposes of this Convention:

- (a) the term “home” work means work carried out by a person, to be referred to as a homeworker,
 - (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer;
 - (ii) for remuneration;
 - (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used,
 unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
- (b) persons with employee status do not become homeworkers within the meaning of this Convention simply by occasionally performing their work as employees at home, rather than at their usual workplaces;
- (c) the term “employer” means a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity.

Article 2

This Convention applies to all persons carrying out home work within the meaning of Article 1.

Article 3

Each Member which has ratified this Convention shall adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers.

Article 4

1. The national policy on home work shall promote, as far as possible, equality of treatment between homeworkers and other wage earners, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise.

2. Equality of treatment shall be promoted, in particular, in relation to:

- (a) the homeworkers' right to establish or join organizations of their own choosing and to participate in the activities of such organizations;
- (b) protection against discrimination in employment and occupation;
- (c) protection in the field of occupational safety and health;
- (d) remuneration;
- (e) statutory social security protection;
- (f) access to training;
- (g) minimum age for admission to employment or work; and
- (h) maternity protection.

Article 5

The national policy on home work shall be implemented by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice.

Article 6

Appropriate measures shall be taken so that labour statistics include, to the extent possible, home work.

Article 7

National laws and regulations on safety and health at work shall apply to home work, taking account of its special characteristics, and shall establish conditions under which certain types of work and the use of certain substances may be prohibited in home work for reasons of safety and health.

Article 8

Where the use of intermediaries in home work is permitted, the respective responsibilities of employers and intermediaries shall be determined by laws and regulations or by court decisions, in accordance with national practice.

Article 9

1. A system of inspection consistent with national law and practice shall ensure compliance with the laws and regulations applicable to home work.
2. Adequate remedies, including penalties where appropriate, in case of violation of these laws and regulations shall be provided for and effectively applied.

Article 10

This Convention does not affect more favourable provisions applicable to homeworkers under other international labour Conventions.

(Final Provisions)

Recommendation 184**Recommendation concerning home work, 1996**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Eighty-third Session on 4 June 1996, and
Recalling that many international labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to homeworkers, and
Noting that the particular conditions characterizing home work make it desirable to improve the application of those Conventions and Recommendations to homeworkers, and to supplement them by standards which take into account the special characteristics of home work, and
Having decided upon the adoption of certain proposals with regard to home work, which is the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation supplementing the Home Work Convention, 1996;
adopts, this twentieth day of June of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Home Work Recommendation, 1996:

I. DEFINITIONS AND SCOPE OF APPLICATION

1. For the purposes of this Recommendation:
 - (a) the term “home work” means work carried out by a person, to be referred to as a homeworker,
 - (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer;
 - (ii) for remuneration;
 - (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used,
unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
 - (b) persons with employee status do not become homeworkers within the meaning of this Recommendation simply by occasionally performing their work as employees at home, rather than at their usual workplaces;
 - (c) the term “employer” means a person, natural or legal, who, either directly or through an intermediary, whether or not intermediaries are provided for in national legislation, gives out home work in pursuance of his or her business activity.
2. This Recommendation applies to all persons carrying out home work within the meaning of Paragraph 1.

II. GENERAL PROVISIONS

3. (1) Each Member should, according to national law and practice, designate an authority or authorities entrusted with the formulation and implementation of the national policy on home work referred to in Article 3 of the Convention.

(2) As far as possible, use should be made of tripartite bodies or organizations of employers and workers in the formulation and implementation of this national policy.

(3) In the absence of organizations concerned with homeworkers or organizations of employers of homeworkers, the authority or authorities referred to in subparagraph (1) should make suitable arrangements to permit these workers and employers to express their opinions on this national policy and on the measures adopted to implement it.

4. Detailed information, including data classified according to sex, on the extent and characteristics of home work should be compiled and kept up to date to serve as a basis for the national policy on home work and for the measures adopted to implement it. This information should be published and made publicly available.

5. (1) A homeworker should be kept informed of his or her specific conditions of employment in writing or in any other appropriate manner consistent with national law and practice.

(2) This information should include, in particular:

- (a) the name and address of the employer and the intermediary, if any;
- (b) the scale or rate of remuneration and the methods of calculation; and
- (c) the type of work to be performed.

III. SUPERVISION OF HOME WORK

6. The competent authority at the national level and, where appropriate, at the regional, sectoral or local levels, should provide for registration of employers of homeworkers and of any intermediaries used by such employers. For this purpose, such authority should specify the information employers should submit or keep at the authority's disposal.

7. (1) Employers should be required to notify the competent authority when they give out home work for the first time.

(2) Employers should keep a register of all homeworkers, classified according to sex, to whom they give work.

(3) Employers should also keep a record of work assigned to a homeworker which shows:

- (a) the time allocated;
- (b) the rate of remuneration;
- (c) costs incurred, if any, by the homeworker and the amount reimbursed in respect of them;
- (d) any deductions made in accordance with national laws and regulations; and
- (e) the gross remuneration due and the net remuneration paid, together with the date of payment.

(4) A copy of the record referred to in subparagraph (3) should be provided to the homeworker.

8. In so far as it is compatible with national law and practice concerning respect for privacy, labour inspectors or other officials entrusted with enforcing provisions applicable to home work should be allowed to enter the parts of the home or other private premises in which the work is carried out.

9. In cases of serious or repeated violations of the laws and regulations applicable to home work, appropriate measures should be taken, including the possible prohibition of giving out home work, in accordance with national law and practice.

IV. MINIMUM AGE

10. National laws and regulations concerning minimum age for admission to employment or work should apply to home work.

V. THE RIGHTS TO ORGANIZE AND TO BARGAIN COLLECTIVELY

11. Legislative or administrative restrictions or other obstacles to:
- (a) the exercise of the right of homeworkers to establish their own organizations or to join the workers' organizations of their choice and to participate in the activities of such organizations; and
 - (b) the exercise of the right of organizations of homeworkers to join trade union federations or confederations,
- should be identified and eliminated.
12. Measures should be taken to encourage collective bargaining as a means of determining the terms and conditions of work of homeworkers.

VI. REMUNERATION

13. Minimum rates of wages should be fixed for home work, in accordance with national law and practice.
14. (1) Rates of remuneration of homeworkers should be fixed preferably by collective bargaining, or in its absence, by:
- (a) decisions of the competent authority, after consulting the most representative organizations of employers and of workers as well as organizations concerned with homeworkers and those of employers of homeworkers, or where the latter organizations do not exist, representatives of homeworkers and of employers of homeworkers; or
 - (b) other appropriate wage-fixing machinery at the national, sectoral or local levels.
- (2) Where rates of remuneration are not fixed by one of the means in subparagraph (1) above, they should be fixed by agreement between the homeworker and the employer.
15. For specified work paid by the piece, the rate of remuneration of a homeworker should be comparable to that received by a worker in the enterprise of the employer, or if there is no such worker, in another enterprise in the branch of activity and region concerned.
16. Homeworkers should receive compensation for:
- (a) costs incurred in connection with their work, such as those relating to the use of energy and water, communications and maintenance of machinery and equipment; and
 - (b) time spent in maintaining machinery and equipment, changing tools, sorting, unpacking and packing, and other such operations.
17. (1) National laws and regulations concerning the protection of wages should apply to homeworkers.
- (2) National laws and regulations should ensure that pre-established criteria are set for deductions and should protect homeworkers against unjustified deductions for defective work or spoilt materials.
- (3) Homeworkers should be paid either on delivery of each completed work assignment or at regular intervals of not more than one month.
18. Where an intermediary is used, the intermediary and the employer should be made jointly and severally liable for payment of the remuneration due to homeworkers, in accordance with national law and practice.

VII. OCCUPATIONAL SAFETY AND HEALTH

19. The competent authority should ensure the dissemination of guidelines concerning the safety and health regulations and precautions that employers and homeworkers are to observe. Where practicable, these guidelines should be translated into languages understood by homeworkers.

20. Employers should be required to:

- (a) inform homeworkers of any hazards that are known or ought to be known to the employer associated with the work given to them and of the precautions to be taken, and provide them, where appropriate, with the necessary training;
- (b) ensure that machinery, tools or other equipment provided to homeworkers are equipped with appropriate safety devices and take reasonable steps to ensure that they are properly maintained; and
- (c) provide homeworkers free of charge with any necessary personal protective equipment.

21. Homeworkers should be required to:

- (a) comply with prescribed safety and health measures;
- (b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper use of materials, machinery, tools and other equipment placed at their disposal.

22. (1) A homeworker who refuses to carry out work which he or she has reasonable justification to believe presents an imminent and serious danger to his or her safety or health should be protected from undue consequences in a manner consistent with national conditions and practice. The homeworker should report the situation to the employer without delay.

(2) In the event of an imminent and serious danger to the safety or health of a homeworker, his or her family or the public, as determined by a labour inspector or other public safety official, the continuation of home work should be prohibited until appropriate measures have been taken to remedy the situation.

VIII. HOURS OF WORK, REST PERIODS AND LEAVE

23. A deadline to complete a work assignment should not deprive a homeworker of the possibility to have daily and weekly rest comparable to that enjoyed by other workers.

24. National laws and regulations should establish the conditions under which homeworkers should be entitled to benefit, as other workers, from paid public holidays, annual holidays with pay and paid sick leave.

IX. SOCIAL SECURITY AND MATERNITY PROTECTION

25. Homeworkers should benefit from social security protection. This could be done by:

- (a) extending existing social security provisions to homeworkers;
- (b) adapting social security schemes to cover homeworkers; or
- (c) developing special schemes or funds for homeworkers.

26. National laws and regulations in the field of maternity protection should apply to homeworkers.

X. PROTECTION IN CASE OF TERMINATION OF EMPLOYMENT

27. Homeworkers should benefit from the same protection as that provided to other workers with respect to termination of employment.

XI. RESOLUTION OF DISPUTES

28. The competent authority should ensure that there are mechanisms for the resolution of disputes between a homeworker and an employer or any intermediary used by the employer.

XII. PROGRAMMES RELATED TO HOME WORK

29. (1) Each Member should, in cooperation with organizations of employers and workers, promote and support programmes which:

- (a) inform homeworkers of their rights and the kinds of assistance available to them;
- (b) raise awareness of home-work-related issues among employers' and workers' organizations, non-governmental organizations and the public at large;
- (c) facilitate the organization of homeworkers in organizations of their own choosing, including cooperatives;
- (d) provide training to improve homeworkers' skills (including non-traditional skills, leadership and negotiating skills), productivity, employment opportunities and income-earning capacity;
- (e) provide training which is carried out as close as practicable to the workers' homes and does not require unnecessary formal qualifications;
- (f) improve homeworkers' safety and health such as by facilitating their access to equipment, tools, raw materials and other essential materials that are safe and of good quality;
- (g) facilitate the creation of centres and networks for homeworkers in order to provide them with information and services and reduce their isolation;
- (h) facilitate access to credit, improved housing and child care; and
- (i) promote recognition of home work as valid work experience.

(2) Access to these programmes should be ensured to rural homeworkers.

(3) Specific programmes should be adopted to eliminate child labour in home work.

XIII. ACCESS TO INFORMATION

30. Where practicable, information concerning the rights and protection of homeworkers and the obligations of employers towards homeworkers, as well as the programmes referred to in Paragraph 29, should be provided in languages understood by homeworkers.

Convention No. 175

Convention concerning Part-Time Work, 1994

The General Conference of the International Labour Organization,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its 81st Session on 7 June 1994, and
 Noting the relevance, for part-time workers, of the provisions of the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958, and the Workers with Family Responsibilities Convention and Recommendation, 1981, and
 Noting the relevance for these workers of the Employment Promotion and Protection against Unemployment Convention, 1988, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, and
 Recognizing the importance of productive and freely chosen employment for all workers, the economic importance of part-time work, the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities, and the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, and
 Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Convention, which may be cited as the Part-Time Work Convention, 1994:

Article 1

For the purposes of this Convention:

- (a) the term “part-time worker” means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;
- (c) the term “comparable full-time worker” refers to a full-time worker who:
 - (i) has the same type of employment relationship;
 - (ii) is engaged in the same or a similar type of work or occupation; and
 - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,
 as the part-time worker concerned;
- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

Article 2

This Convention does not affect more favourable provisions applicable to part-time workers under other international labour Conventions.

Article 3

1. This Convention applies to all part-time workers, it being understood that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

2. Each Member having ratified this Convention which avails itself of the possibility afforded in the preceding paragraph shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

Article 4

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

- (a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;
- (b) occupational safety and health;
- (c) discrimination in employment and occupation.

Article 5

Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, solely because they work part time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of comparable full-time workers, calculated according to the same method.

Article 6

Statutory social security schemes which are based on occupational activity shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hours of work, contributions or earnings, or through other methods consistent with national law and practice.

Article 7

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

- (a) maternity protection;
- (b) termination of employment;
- (c) paid annual leave and paid public holidays; and
- (d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

Article 8

1. Part-time workers whose hours of work or earnings are below specified thresholds may be excluded by a Member:

- (a) from the scope of any of the statutory social security schemes referred to in Article 6, except in regard to employment injury benefits;
- (b) from the scope of any of the measures taken in the fields covered by Article 7, except in regard to maternity protection measures other than those provided under statutory social security schemes.

2. The thresholds referred to in paragraph 1 shall be sufficiently low as not to exclude an unduly large percentage of part-time workers.

3. A Member which avails itself of the possibility provided for in paragraph 1 above shall:

- (a) periodically review the thresholds in force;
- (b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and whether consideration is being given to the progressive extension of protection to the workers excluded.

4. The most representative organizations of employers and workers shall be consulted on the establishment, review and revision of the thresholds referred to in this Article.

Article 9

1. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection referred to in Articles 4 to 7 is ensured.

2. These measures shall include:

- (a) the review of laws and regulations that may prevent or discourage recourse to or acceptance of part-time work;
- (b) the use of employment services, where they exist, to identify and publicize possibilities for part-time work in their information and placement activities;
- (c) special attention, in employment policies, to the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and workers undergoing education or training.

3. These measures may also include research and dissemination of information on the degree to which part-time work responds to the economic and social aims of employers and workers.

Article 10

Where appropriate, measures shall be taken to ensure that transfer from full- time to part-time work or vice versa is voluntary, in accordance with national law and practice.

Article 11

The provisions of this Convention shall be implemented by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers shall be consulted before any such laws or regulations are adopted.

(Final Provisions)

Recommendation No. 182**Recommendation concerning Part-Time Work, 1994**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its 81st Session on 7 June 1994, and
Having decided upon the adoption of certain proposals with regard to part-time work, which is
the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation supplementing
the Part-Time Work Convention, 1994,

adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the
following Recommendation, which may be cited as the Part-Time Work Recommendation, 1994:

1. The provisions of this Recommendation should be considered in conjunction with those
of the Part-Time Work Convention, 1994 (hereafter referred to as “the Convention”).

2. For the purposes of this Recommendation:

- (a) the term “part-time worker means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in clause (a) may be calculated weekly or on average over a given period of employment;
- (c) the term “comparable full-time worker refers to a full-time worker who:
 - (i) has the same type of employment relationship;
 - (ii) is engaged in the same or a similar type of work or occupation; and
 - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,as the part-time worker concerned;
- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

3. This Recommendation applies to all part-time workers.

4. In accordance with national law and practice, employers should consult the representatives of the workers concerned on the introduction or extension of part-time work on a broad scale, on the rules and procedures applying to such work and on the protective and promotional measures that may be appropriate.

5. Part-time workers should be informed of their specific conditions of employment in writing or by any other means consistent with national law and practice.

6. The adaptations to be made in accordance with Article 6 of the Convention to statutory social security schemes which are based on occupational activity should aim at:

- (a) if appropriate, progressively reducing threshold requirements based on earnings or hours of work as a condition for coverage by these schemes;
- (b) as appropriate, granting to part-time workers minimum or flat-rate benefits, in particular old-age, sickness, invalidity and maternity benefits, as well as family allowances;
- (c) accepting in principle that part-time workers whose employment has come to an end or been suspended and who are seeking only part-time employment meet the condition of availability for work required for the payment of unemployment benefits;
- (d) reducing the risk that part-time workers may be penalized by schemes which:
 - (i) subject the right to benefits to a qualifying period, expressed in terms of periods of contribution, of insurance or of employment during a given reference period; or
 - (ii) fix the amount of benefits by reference both to the average of former earnings and to the length of the periods of contribution, of insurance or of employment.

7. (1) Where appropriate, threshold requirements for access to coverage under private occupational schemes which supplement or replace statutory social security schemes should be progressively reduced to allow part-time workers to be covered as widely as possible.

(2) Part-time workers should be protected by such schemes under conditions equivalent to those of comparable full-time workers. Where appropriate, these conditions may be determined in proportion to hours of work, contributions or earnings.

8. (1) As appropriate, threshold requirements based on hours of work or earnings as specified under Article 8 of the Convention in the fields referred to in its Article 7 should be progressively reduced.

(2) The periods of service required as a condition for protection in the fields referred to in Article 7 of the Convention should not be longer for part-time workers than for comparable full-time workers.

9. Where part-time workers have more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in statutory social security schemes which are based on occupational activity.

10. Part-time workers should benefit on an equitable basis from financial compensation, additional to basic wages, which is received by comparable full-time workers.

11. All appropriate measures should be taken to ensure that as far as practicable part-time workers have access on an equitable basis to the welfare facilities and social services of the establishment concerned; these facilities and services should, to the extent possible, be adapted to take into account the needs of part-time workers.

12. (1) The number and scheduling of hours of work of part-time workers should be established taking into account the interests of the worker as well as the needs of the establishment.

(2) As far as possible, changes in the agreed work schedule and work beyond scheduled hours should be subject to restrictions and to prior notice.

(3) The system of compensation for work beyond the agreed work schedule should be subject to negotiations in accordance with national law and practice.

13. In accordance with national law and practice, part-time workers should have access on an equitable basis, and as far as possible under equivalent conditions, to all forms of leave available to comparable full-time workers, in particular paid educational leave, parental leave and leave in cases of illness of a child or another member of a worker's immediate family.

14. Where appropriate, the same rules should apply to part-time workers as to comparable full-time workers with respect to scheduling of annual leave and work on customary rest days and public holidays.

15. Where appropriate, measures should be taken to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.

16. Provisions of statutory social security schemes based on occupational activity that may discourage recourse to or acceptance of part-time work should be adapted, in particular those which:

- (a) result in proportionately higher contributions for part-time workers unless these are justified by corresponding proportionately higher benefits;
- (b) without reasonable grounds, significantly reduce the unemployment benefits of unemployed workers who temporarily accept part-time work;
- (c) overemphasize, in the calculation of old-age benefits, the reduced income from part-time work undertaken solely during the period preceding retirement.

17. Measures should be considered by employers to facilitate access to part-time work at all levels of the enterprise, including skilled and managerial positions where appropriate.

18. (1) Where appropriate, employers should give consideration to:

- (a) requests by workers for transfer from full-time to part-time work that becomes available in the enterprise; and
- (b) requests by workers for transfer from part-time to full-time work that becomes available in the enterprise.

(2) Employers should provide timely information to the workers on the availability of part-time and full-time positions in the establishment, in order to facilitate transfers from full-time to part-time work or vice versa.

19. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself constitute a valid reason for termination of employment, without prejudice to termination, in accordance with national law and practice, for other reasons such as may arise from the operational requirements of the establishment concerned.

20. Where national or establishment-level conditions permit, workers should be enabled to transfer to part-time work in justified cases, such as pregnancy or the need to care for a young child or a disabled or sick member of a worker's immediate family, and subsequently to return to full-time work.

21. Where obligations on employers depend on the number of the workers they employ, part-time workers should be counted as full-time workers. Nevertheless, where appropriate, part-time workers may be counted proportionately to their hours of work, it being understood that where such obligations refer to the protection mentioned in Article 4 of the Convention, they should be counted as full-time workers.

22. Information should be disseminated on the protective measures that apply to part-time work and on practical arrangements for various part-time work schemes.

Convention 155

Occupational Safety and Health Convention, 1981

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Sixty-seventh Session on 3 June 1981, and
 Having decided upon the adoption of certain proposals with regard to safety and health and the
 working environment, which is the sixth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one the
 following Convention, which may be cited as the Occupational Safety and Health Convention,
 1981:

PART I. SCOPE AND DEFINITIONS*Article 1*

1. This Convention applies to all branches of economic activity.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, particular branches of economic activity, such as maritime shipping or fishing, in respect of which special problems of a substantial nature arise.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation, any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion and describing the measures taken to give adequate protection to workers in excluded branches, and shall indicate in subsequent reports any progress towards wider application.

Article 2

1. This Convention applies to all workers in the branches of economic activity covered.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, limited categories of workers in respect of which there are particular difficulties.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation, any limited categories of workers which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

Article 3

For the purpose of this Convention—

- (a) the term branches of economic activity covers all branches in which workers are employed, including the public service;
- (b) the term workers covers all employed persons, including public employees;
- (c) the term workplace covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;
- (d) the term regulations covers all provisions given force of law by the competent authority or authorities;
- (e) the term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

PART II. PRINCIPLES OF NATIONAL POLICY

Article 4

1. Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

2. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Article 5

The policy referred to in Article 4 of this Convention shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:

- (a) design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);
- (b) relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers;
- (c) training, including necessary further training, qualifications and motivations of persons involved, in one capacity or another, in the achievement of adequate levels of safety and health;
- (d) communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level;
- (e) the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.

Article 6

The formulation of the policy referred to in Article 4 of this Convention shall indicate the respective functions and responsibilities in respect of occupational safety and health and the working environment of public authorities, employers, workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice.

Article 7

The situation regarding occupational safety and health and the working environment shall be reviewed at appropriate intervals, either over-all or in respect of particular areas, with a view to identifying major problems, evolving effective methods for dealing with them and priorities of action, and evaluating results.

PART III. ACTION AT THE NATIONAL LEVEL*Article 8*

Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to Article 4 of this Convention.

Article 9

1. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.

2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations.

Article 10

Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations.

Article 11

To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

- (a) the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;
- (b) the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorisation or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration;
- (c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;
- (d) the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;
- (e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work;
- (f) the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.

Article 12

Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use—

- (a) satisfy themselves that, so far as is reasonably practicable, the machinery, equipment or substance does not entail dangers for the safety and health of those using it correctly;
- (b) make available information concerning the correct installation and use of machinery and equipment and the correct use of substances, and information on hazards of machinery and equipment and dangerous properties of chemical substances and physical and biological agents or products, as well as instructions on how known hazards are to be avoided;
- (c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with subparagraphs (a) and (b) of this Article.

Article 13

A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.

Article 14

Measures shall be taken with a view to promoting in a manner appropriate to national conditions and practice, the inclusion of questions of occupational safety and health and the working environment at all levels of education and training, including higher technical, medical and professional education, in a manner meeting the training needs of all workers.

Article 15

1. With a view to ensuring the coherence of the policy referred to in Article 4 of this Convention and of measures for its application, each Member shall, after consultation at the earliest possible stage with the most representative organisations of employers and workers, and with other bodies as appropriate, make arrangements appropriate to national conditions and practice to ensure the necessary co-ordination between various authorities and bodies called upon to give effect to Parts II and III of this Convention.

2. Whenever circumstances so require and national conditions and practice permit, these arrangements shall include the establishment of a central body.

PART IV. ACTION AT THE LEVEL OF THE UNDERTAKING*Article 16*

1. Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health.

2. Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken.

3. Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.

Article 17

Whenever two or more undertakings engage in activities simultaneously at one workplace, they shall collaborate in applying the requirements of this Convention.

Article 18

Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements.

Article 19

There shall be arrangements at the level of the undertaking under which—

- (a) workers, in the course of performing their work, co-operate in the fulfilment by their employer of the obligations placed upon him;
- (b) representatives of workers in the undertaking co-operate with the employer in the field of occupational safety and health;
- (c) representatives of workers in an undertaking are given adequate information on measures taken by the employer to secure occupational safety and health and may consult their representative organisations about such information provided they do not disclose commercial secrets;
- (d) workers and their representatives in the undertaking are given appropriate training in occupational safety and health;
- (e) workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;
- (f) a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

Article 20

Co-operation between management and workers and/or their representatives within the undertaking shall be an essential element of organisational and other measures taken in pursuance of Articles 16 to 19 of this Convention.

Article 21

Occupational safety and health measures shall not involve any expenditure for the workers.

Protocol of 2002

Protocol of 2002 to the Occupational Safety and Health Convention, 1981

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its 90th Session on 3 June 2002, and

Noting the provisions of Article 11 of the Occupational Safety and Health Convention, 1981, (hereinafter referred to as «the Convention»), which states in particular that:

«To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

- (c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;
- (e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work»,

and

Having regard to the need to strengthen recording and notification procedures for occupational accidents and diseases and to promote the harmonization of recording and notification systems with the aim of identifying their causes and establishing preventive measures, and

Having decided upon the adoption of certain proposals with regard to the recording and notification of occupational accidents and diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a protocol to the Occupational Safety and Health Convention, 1981;

adopts this twentieth day of June two thousand and two the following Protocol, which may be cited as the Protocol of 2002 to the Occupational Safety and Health Convention, 1981.

I. DEFINITIONS

Article 1

For the purpose of this Protocol:

- (a) the term **occupational accident** covers an occurrence arising out of, or in the course of, work which results in fatal or non-fatal injury;
- (b) the term **occupational disease** covers any disease contracted as a result of an exposure to risk factors arising from work activity;

- (c) the term ***dangerous occurrence*** covers a readily identifiable event as defined under national laws and regulations, with potential to cause an injury or disease to persons at work or to the public;
- (d) the term ***commuting accident*** covers an accident resulting in death or personal injury occurring on the direct way between the place of work and:
 - (i) the worker's principal or secondary residence; or
 - (ii) the place where the worker usually takes a meal; or
 - (iii) the place where the worker usually receives his or her remuneration.

II. SYSTEMS FOR RECORDING AND NOTIFICATION

Article 2

The competent authority shall, by laws or regulations or any other method consistent with national conditions and practice, and in consultation with the most representative organizations of employers and workers, establish and periodically review requirements and procedures for:

- (a) the recording of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
- (b) the notification of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.

Article 3

The requirements and procedures for recording shall determine:

- (a) the responsibility of employers:
 - (i) to record occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases;
 - (ii) to provide appropriate information to workers and their representatives concerning the recording system;
 - (iii) to ensure appropriate maintenance of these records and their use for the establishment of preventive measures; and
 - (iv) to refrain from instituting retaliatory or disciplinary measures against a worker for reporting an occupational accident, occupational disease, dangerous occurrence, commuting accident or suspected case of occupational disease;
- (b) the information to be recorded;
- (c) the duration for maintaining these records; and
- (d) measures to ensure the confidentiality of personal and medical data in the employer's possession, in accordance with national laws and regulations, conditions and practice.

Article 4

The requirements and procedures for the notification shall determine:

- (a) the responsibility of employers:
 - (i) to notify the competent authorities or other designated bodies of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
 - (ii) to provide appropriate information to workers and their representatives concerning the notified cases;
- (b) where appropriate, arrangements for notification of occupational accidents and occupational diseases by insurance institutions, occupational health services, medical practitioners and other bodies directly concerned;

- (c) the criteria according to which occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases are to be notified; and
- (d) the time limits for notification.

Article 5

The notification shall include data on:

- (a) the enterprise, establishment and employer;
- (b) if applicable, the injured persons and the nature of the injuries or disease; and
- (c) the workplace, the circumstances of the accident or the dangerous occurrence and, in the case of an occupational disease, the circumstances of the exposure to health hazards.

III. NATIONAL STATISTICS

Article 6

Each Member which ratifies this Protocol shall, based on the notifications and other available information, publish annually statistics that are compiled in such a way as to be representative of the country as a whole, concerning occupational accidents, occupational diseases and, as appropriate, dangerous occurrences and commuting accidents, as well as the analyses thereof.

Article 7

The statistics shall be established following classification schemes that are compatible with the latest relevant international schemes established under the auspices of the International Labour Organization or other competent international organizations.

IV. FINAL PROVISIONS

Article 8

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

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which its ratification has been registered by the Director-General and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

Article 9

1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 25, by an act communicated to the Director-General of the International Labour Office for registration.

2. Denunciation of the Convention in accordance with its Article 25 by a Member which has ratified this Protocol shall ipso jure involve the denunciation of this Protocol.

3. Any denunciation of this Protocol in accordance with paragraphs 1 or 2 of this Article shall not take effect until one year after the date on which it is registered.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Recommendation 164

Occupational Safety and Health Recommendation, 1981

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Sixty-seventh Session on 3 June 1981, and
Having decided upon the adoption of certain proposals with regard to safety and health and the
working environment, which is the sixth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation supplementing
the Occupational Safety and Health Convention, 1981,
adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one, the
following Recommendation, which may be cited as the Occupational Safety and Health Recommendation, 1981:

I. SCOPE AND DEFINITIONS

1. (1) To the greatest extent possible, the provisions of the Occupational Safety and Health Convention, 1981, hereinafter referred to as the Convention, and of this Recommendation should be applied to all branches of economic activity and to all categories of workers.

(2) Provision should be made for such measures as may be necessary and practicable to give self-employed persons protection analogous to that provided for in the Convention and in this Recommendation.

2. For the purpose of this Recommendation—

- (a) the term ***branches of economic activity*** covers all branches in which workers are employed, including the public service;
- (b) the term ***workers*** covers all employed persons, including public employees;
- (c) the term ***workplace*** covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;
- (d) the term ***regulations*** covers all provisions given force of law by the competent authority or authorities;
- (e) the term ***health***, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

II. TECHNICAL FIELDS OF ACTION

3. As appropriate for different branches of economic activity and different types of work and taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken in pursuance of the policy referred to in Article 4 of the Convention, in particular in the following fields:

- (a) design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom; (b) lighting, ventilation, order and cleanliness of workplaces;
- (c) temperature, humidity and movement of air in the workplace;
- (d) design, construction, use, maintenance, testing and inspection of machinery and equipment liable to present hazards and, as appropriate, their approval and transfer;
- (e) prevention of harmful physical or mental stress due to conditions of work;
- (f) handling, stacking and storage of loads and materials, manually or mechanically;
- (g) use of electricity;
- (h) manufacture, packing, labelling, transport, storage and use of dangerous substances and agents, disposal of their wastes and residues, and, as appropriate, their replacement by other substances or agents which are not dangerous or which are less dangerous;
- (i) radiation protection;
- (j) prevention and control of, and protection against, occupational hazards due to noise and vibration;
- (k) control of the atmosphere and other ambient factors of workplaces;
- (l) prevention and control of hazards due to high and low barometric pressures;
- (m) prevention of fires and explosions and measures to be taken in case of fire or explosion;
- (n) design, manufacture, supply, use, maintenance and testing of personal protective equipment and protective clothing;
- (o) sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health;
- (p) first-aid treatment;
- (q) establishment of emergency plans;
- (r) supervision of the health of workers.

III. ACTION AT THE NATIONAL LEVEL

4. With a view to giving effect to the policy referred to in Article 4 of the Convention, and taking account of the technical fields of action listed in Paragraph 3 of this Recommendation, the competent authority or authorities in each country should—

- (a) issue or approve regulations, codes of practice or other suitable provisions on occupational safety and health and the working environment, account being taken of the links existing between safety and health, on the one hand, and hours of work and rest breaks, on the other;
- (b) from time to time review legislative enactments concerning occupational safety and health and the working environment, and provisions issued or approved in pursuance of clause (a) of this Paragraph, in the light of experience and advances in science and technology;
- (c) undertake or promote studies and research to identify hazards and find means of overcoming them;
- (d) provide information and advice, in an appropriate manner, to employers and workers and promote or facilitate co-operation between them and their organisations, with a view to eliminating hazards or reducing them as far as practicable; where appropriate, a special training programme for migrant workers in their mother tongue should be provided;
- (e) provide specific measures to prevent catastrophes, and to co-ordinate and make coherent the actions to be taken at different levels, particularly in industrial zones where undertakings with high potential risks for workers and the surrounding population are situated;
- (f) secure good liaison with the International Labour Occupational Safety and Health Hazard Alert System set up within the framework of the International Labour Organisation;
- (g) provide appropriate measures for handicapped workers.

5. The system of inspection provided for in paragraph 1 of Article 9 of the Convention should be guided by the provisions of the Labour Inspection Convention, 1947, and the Labour Inspection (Agriculture) Convention, 1969, without prejudice to the obligations thereunder of Members which have ratified these instruments.

6. As appropriate, the competent authority or authorities should, in consultation with the representative organisations of employers and workers concerned, promote measures in the field of conditions of work consistent with the policy referred to in Article 4 of the Convention.

7. The main purposes of the arrangements referred to in Article 15 of the Convention should be to—

- (a) implement the requirements of Articles 4 and 7 of the Convention;
- (b) co-ordinate the exercise of the functions assigned to the competent authority or authorities in pursuance of Article 11 of the Convention and Paragraph 4 of this Recommendation;
- (c) co-ordinate activities in the field of occupational safety and health and the working environment which are exercised nationally, regionally or locally, by public authorities, by employers and their organisations, by workers' organisations and representatives, and by other persons or bodies concerned;
- (d) promote exchanges of views, information and experience at the national level, at the level of an industry or that of a branch of economic activity.

8. There should be close co-operation between public authorities and representative employers' and workers' organisations, as well as other bodies concerned in measures for the formulation and application of the policy referred to in Article 4 of the Convention.

9. The review referred to in Article 7 of the Convention should cover in particular the situation of the most vulnerable workers, for example, the handicapped.

IV ACTION AT THE LEVEL OF THE UNDERTAKING

10. The obligations placed upon employers with a view to achieving the objective set forth in Article 16 of the Convention might include, as appropriate for different branches of economic activity and different types of work, the following:

- (a) to provide and maintain workplaces, machinery and equipment, and use work methods, which are as safe and without risk to health as is reasonably practicable;
- (b) to give necessary instructions and training, taking account of the functions and capacities of different categories of workers;
- (c) to provide adequate supervision of work, of work practices and of application and use of occupational safety and health measures;
- (d) to institute organisational arrangements regarding occupational safety and health and the working environment adapted to the size of the undertaking and the nature of its activities;
- (e) to provide, without any cost to the worker, adequate personal protective clothing and equipment which are reasonably necessary when hazards cannot be otherwise prevented or controlled;
- (f) to ensure that work organisation, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health;
- (g) to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue;
- (h) to undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with the foregoing clauses.

11. Whenever two or more undertakings engage in activities simultaneously at one workplace, they should collaborate in applying the provisions regarding occupational safety and health and the working environment, without prejudice to the responsibility of each undertaking for the health and safety of its employees. In appropriate cases, the competent authority or authorities should prescribe general procedures for this collaboration.

12. (1) The measures taken to facilitate the co-operation referred to in Article 20 of the Convention should include, where appropriate and necessary, the appointment, in accordance with national practice, of workers' safety delegates, of workers' safety and health committees, and/or of joint safety and health committees; in joint safety and health committees workers should have at least equal representation with employers' representatives.

(2) Workers' safety delegates, workers' safety and health committees, and joint safety and health committees or, as appropriate, other workers' representatives should—

- (a) be given adequate information on safety and health matters, enabled to examine factors affecting safety and health, and encouraged to propose measures on the subject;
- (b) be consulted when major new safety and health measures are envisaged and before they are carried out, and seek to obtain the support of the workers for such measures;
- (c) be consulted in planning alterations of work processes, work content or organisation of work, which may have safety or health implications for the workers;
- (d) be given protection from dismissal and other measures prejudicial to them while exercising their functions in the field of occupational safety and health as workers' representatives or as members of safety and health committees;
- (e) be able to contribute to the decision-making process at the level of the undertaking regarding matters of safety and health;
- (f) have access to all parts of the workplace and be able to communicate with the workers on safety and health matters during working hours at the workplace;
- (g) be free to contact labour inspectors;
- (h) be able to contribute to negotiations in the undertaking on occupational safety and health matters;
- (i) have reasonable time during paid working hours to exercise their safety and health functions and to receive training related to these functions;
- (j) have recourse to specialists to advise on particular safety and health problems.

13. As necessary in regard to the activities of the undertaking and practicable in regard to size, provision should be made for—

- (a) the availability of an occupational health service and a safety service, within the undertaking, jointly with other undertakings, or under arrangements with an outside body;
- (b) recourse to specialists to advise on particular occupational safety or health problems or supervise the application of measures to meet them.

14. Employers should, where the nature of the operations in their undertakings warrants it, be required to set out in writing their policy and arrangements in the field of occupational safety and health, and the various responsibilities exercised under these arrangements, and to bring this information to the notice of every worker, in a language or medium the worker readily understands.

15. (1) Employers should be required to verify the implementation of applicable standards on occupational safety and health regularly, for instance by environmental monitoring, and to undertake systematic safety audits from time to time.

(2) Employers should be required to keep such records relevant to occupational safety and health and the working environment as are considered necessary by the competent authority or authorities; these might include records of all notifiable occupational accidents and injuries to health which arise in the course of or in connection with work, records of authorisation and exemptions under laws or regulations to supervision of the health of workers in the undertaking, and data concerning exposure to specified substances and agents.

16. The arrangements provided for in Article 19 of the Convention should aim at ensuring that workers—

- (a) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;
- (b) comply with instructions given for their own safety and health and those of others and with safety and health procedures;

- (c) use safety devices and protective equipment correctly and do not render them inoperative;
- (d) report forthwith to their immediate supervisor any situation which they have reason to believe could present a hazard and which they cannot themselves correct;
- (e) report any accident or injury to health which arises in the course of or in connection with work.

17. No measures prejudicial to a worker should be taken by reference to the fact that, in good faith, he complained of what he considered to be a breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of occupational safety and health and the working environment.

FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

- Equal Remuneration C100, R90
- Discrimination (Employment and Occupation) C111, R111
- Minimum Age C138, R146
- Worst Forms of Child Labour C182, R190
- Freedom of Association and Protection of the Right to Organise C87, C98
- Forced Labour C29, R35
- Abolition of Forced Labour C105

MATERNITY PROTECTION, WORK AND FAMILY

- Maternity Protection C103, R95, C183, R191
- Workers with Family Responsibilities C156, R165

EMPLOYMENT PROMOTION

- Employment Policy C122, R122, R169
- Human Resources Development C142, R150
- Termination of Employment C158, R166

WORKING CONDITIONS

- Night Work C89, P1990, C171, R178
- Home Work C177, R184
- Part-time Work C175, R182
- Occupational Safety and Health C155, P2002, R164

MIGRANT WORKERS

- Migration for Employment C97, R86
- Migrant Workers C143, R151

Convention No. 97

Convention concerning Migration for Employment (Revised 1949)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Thirty-second Session on 8 June 1949, and
Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Convention, 1939, adopted by the Conference at its Twenty-fifth Session, which is included in the eleventh item on the agenda of the session, and
Considering that these proposals must take the form of an international Convention,
adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Migration for Employment Convention (Revised), 1949:

Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to make available on request to the International Labour Office and to other Members—

- (a) information on national policies, laws and regulations relating to emigration and immigration;
- (b) information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment;
- (c) information concerning general agreements and special arrangements on these questions concluded by the Member.

Article 2

Each Member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information.

Article 3

1. Each Member for which this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For this purpose, it will where appropriate act in co-operation with other Members concerned.

Article 4

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment.

Article 5

Each Member for which this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for—

- (a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment and the members of their families authorised to accompany or join them are in reasonable health;
- (b) ensuring that migrants for employment and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

Article 6

1 Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:

- (a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities—
 - (i) remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons;
 - (ii) membership of trade unions and enjoyment of the benefits of collective bargaining;
 - (iii) accommodation;
- (b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:
 - (i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
 - (ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;
- (c) employment taxes, dues or contributions payable in respect of the person employed; and
- (d) legal proceedings relating to the matters referred to in this Convention.

2. In the case of a federal State the provisions of this Article shall apply in so far as the matters dealt with are regulated by federal law or regulations or are subject to the control of federal administrative authorities. The extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations of the constituent States, provinces or cantons, or subject to the control of the administrative authorities thereof, shall be determined by each Member. The Member shall indicate in its annual report upon the application of the Convention the extent to which the matters dealt with in this Article are regulated by federal law or regulations or are subject to the control of federal administrative authorities. In respect of matters which are regulated by the law or regulations of the constituent States, provinces or cantons, or are subject to the control of the administrative authorities thereof, the Member shall take the steps provided for in paragraph 7 (b) of Article 19 of the Constitution of the International Labour Organisation.

Article 7

1. Each Member for which this Convention is in force undertakes that its employment service and other services connected with migration will co-operate in appropriate cases with the corresponding services of other Members.

2. Each Member for which this Convention is in force undertakes to ensure that the services rendered by its public employment service to migrants for employment are rendered free.

Article 8

1. A migrant for employment who has been admitted on a permanent basis and the members of his family who have been authorised to accompany or join him shall not be returned to their territory of origin or the territory from which they emigrated because the migrant is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which the Member is a party so provides.

2. When migrants for employment are admitted on a permanent basis upon arrival in the country of immigration the competent authority of that country may determine that the provisions of paragraph 1 of this Article shall take effect only after a reasonable period which shall in no case exceed five years from the date of admission of such migrants.

Article 9

Each Member for which this Convention is in force undertakes to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire.

Article 10

In cases where the number of migrants going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

Article 11

1. For the purpose of this Convention the term migrant for employment means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.

2. This Convention does not apply to—

- (a) frontier workers;
- (b) short-term entry of members of the liberal professions and artistes; and
- (c) seamen.

Recommendation No. 86

Recommendation concerning Migration for Employment (Revised 1949)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met its Thirty-second Session on 8 June 1949, and
Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Recommendation, 1939, and the Migration for Employment (Co-operation between States) Recommendation, 1939, adopted by the Conference at its Twenty-fifth Session, which are included in the eleventh item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation,
adopts this first day of July of the year one thousand nine hundred and forty-nine, the following Recommendation, which may be cited as the Migration for Employment Recommendation (Revised), 1949:

The Conference,
Having adopted the Migration for Employment Convention (Revised), 1949, and
Desiring to supplement its provisions by a Recommendation;
Recommends as follows:

I

1. For the purpose of this Recommendation—
 - (a) the term **migrant for employment** means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment;
 - (b) the term **recruitment** means—
 - (i) the engagement of a person in one territory on behalf of an employer in another territory, or
 - (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;
 - (c) the term **introduction** means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of subparagraph (b);
 - (d) the term **placing** means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of subparagraph (c).
2. For the purpose of this Recommendation, references to the Government or competent authority of a territory of emigration should be interpreted as referring, in the case of migrants who

are refugees or displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

3. This Recommendation does not apply to—

- (a) frontier workers;
- (b) short-term entry of members of the liberal professions and artistes; and
- (c) seamen.

II

4. (1) It should be the general policy of Members to develop and utilise all possibilities of employment and for this purpose to facilitate the international distribution of manpower and in particular the movement of manpower from countries which have a surplus of manpower to those countries that have a deficiency.

(2) The measures taken by each Member should have due regard to the manpower situation in the country and the Government should consult the appropriate organisations of employers and workers on all general questions concerning migration for employment.

III

5. (1) The free service provided in each country to assist migrants and their families and in particular to provide them with accurate information should be conducted—

- (a) by public authorities; or
- (b) by one or more voluntary organisations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities; or
- (c) partly by the public authorities and partly by one or more voluntary organisations fulfilling the conditions stated in subparagraph (b) of this Paragraph.

(2) The service should advise migrants and their families, in their languages or dialects or at least in a language which they can understand, on matters relating to emigration, immigration, employment and living conditions, including health conditions in the place of destination, return to the country of origin or of emigration, and generally speaking any other question which may be of interest to them in their capacity as migrants.

(3) The service should provide facilities for migrants and their families with regard to the fulfilment of administrative formalities and other steps to be taken in connection with the return of the migrants to the country of origin or of emigration, should the case arise.

(4) With a view to facilitating the adaptation of migrants, preparatory courses should, where necessary, be organised to inform the migrants of the general conditions and the methods of work prevailing in the country of immigration, and to instruct them in the language of that country. The countries of emigration and immigration should mutually agree to organise such courses.

6. On request information should be made available by Members to the International Labour Office and to other Members concerning their emigration laws and regulations, including administrative provisions relating to restrictions on emigration and facilities granted to emigrants, and appropriate details concerning the categories of persons wishing to emigrate.

7. On request information should be made available by Members to the International Labour Office and to other Members concerning their immigration laws and regulations, including administrative provisions, entry permits where needed, number and occupational qualifications of immigrants desired, laws and regulations affecting admission of migrants to employment, and any special facilities granted to migrants and measures to facilitate their adaptation to the economic and social organisation of the country of immigration.

8. There should, as far as possible, be a reasonable interval between the publication and the coming into force of any measure altering the conditions on which emigration or immigration or

the employment of migrants is permitted in order that these conditions may be notified in good time to persons who are preparing to emigrate.

9. Provision should be made for adequate publicity to be given at appropriate stages to the principal measures referred to in the preceding Paragraph, such publicity to be in the languages most commonly known to the migrants.

10. Migration should be facilitated by such measures as may be appropriate—

- (a) to ensure that migrants for employment are provided in case of necessity with adequate accommodation, food and clothing on arrival in the country of immigration;
- (b) to ensure, where necessary, vocational training so as to enable the migrants for employment to acquire the qualifications required in the country of immigration;
- (c) to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of migrants for employment as the migrants may desire;
- (d) to arrange, in the case of permanent migration, for the transfer, where desired, to the country of immigration, of the capital of migrants for employment, within the limits allowed by national laws and regulations concerning export and import of currency;
- (e) to provide access to schools for migrants and members of their families.

11. Migrants and the members of their families should be assisted in obtaining access to recreation and welfare facilities, and steps should be taken where necessary to ensure that special facilities are made available during the initial period of settlement in the country of immigration.

12. In the case of migrants under Government-sponsored arrangements for group transfer, medical assistance should be extended to such migrants in the same manner as provided for nationals.

IV

13. (1) Where necessary in the interest of the migrant, Members should require that any intermediary who undertakes the recruitment, introduction or placing of migrants for employment on behalf of an employer must obtain a written warrant from the employer, or some other document proving that he is acting on the employer's behalf.

(2) This document should be drawn up in, or translated into, the official language of the country of emigration and should set forth all necessary particulars concerning the employer, concerning the nature and scope of the recruitment, introduction or placing which the intermediary is to undertake, and concerning the employment offered, including the remuneration.

14. (1) The technical selection of migrants for employment should be carried out in such a way as to restrict migration as little as possible while ensuring that the migrants are qualified to perform the required work.

(2) Responsibility for such selection should be entrusted—

- (a) to official bodies; or
- (b) where appropriate, to private bodies of the territory of immigration duly authorised and, where necessary in the interest of the migrant, supervised by the competent authority of the territory of emigration.

(3) The right to engage in selection should be subject to the prior authorisation of the competent authority of the territory where the said operation takes place, in such cases under such conditions as may be prescribed by the laws and regulations of that territory, or by agreement between the Government of the territory of emigration and the Government of the territory of immigration.

(4) As far as possible, intending migrants for employment should, before their departure from the territory of emigration, be examined for purposes of occupational and medical selection by a representative of the competent authority of the territory of immigration.

(5) If recruitment takes place on a sufficiently large scale there should be arrangements for close liaison and consultation between the competent authorities of the territories of emigration and immigration concerned.

(6) The operations referred to in the preceding subparagraphs of this Paragraph should be carried out as near as possible to the place where the intending migrant is recruited.

15. (1) Provision should be made by agreement for authorisation to be granted for a migrant for employment introduced on a permanent basis to be accompanied or joined by the members of his family.

(2) The movement of the members of the family of such a migrant authorised to accompany or join him should be specially facilitated by both the country of emigration and the country of immigration.

(3) For the purposes of this Paragraph, the members of the family of a migrant for employment should include his wife and minor children; favourable consideration should be given to requests for the inclusion of other members of the family dependent upon the migrant.

V

16. (1) Migrants for employment authorised to reside in a territory and the members of their families authorised to accompany or join them should as far as possible be admitted to employment in the same conditions as nationals.

(2) In countries in which the employment of migrants is subject to restrictions, these restrictions should as far as possible—

- (a) cease to be applied to migrants who have regularly resided in the country for a period, the length of which should not, as a rule, exceed five years; and
- (b) cease to be applied to the wife and children of an age to work who have been authorised to accompany or join the migrant, at the same time as they cease to be applied to the migrant.

17. In countries where the number of migrants for employment is sufficiently large, the conditions of employment of such workers should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specialising in this work.

VI

18. (1) When a migrant for employment has been regularly admitted to the territory of a Member, the said Member should, as far as possible, refrain from removing such person or the members of his family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between the competent authorities of the emigration and immigration territories concerned.

(2) Any such agreement should provide—

- (a) that the length of time the said migrant has been in the territory of immigration shall be taken into account and that in principle no migrant shall be removed who has been there for more than five years;
- (b) that the migrant must have exhausted his rights to unemployment insurance benefit;
- (c) that the migrant must have been given reasonable notice so as to give him time, more particularly to dispose of his property;
- (d) that suitable arrangements shall have been made for his transport and that of the members of his family;
- (e) that the necessary arrangements shall have been made to ensure that he and the members of his family are treated in a humane manner; and
- (f) that the costs of the return of the migrant and the members of his family and of the transport of their household belongings to their final destination shall not fall on him.

19. Appropriate steps should be taken by the authorities of the territories concerned to consult the employers' and workers' organisations concerning the operations of recruitment, introduction and placing of migrants for employment.

VII

20. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any condition as to previous residence or employment in the country or place.

VIII

21. (1) Members should in appropriate cases supplement the Migration for Employment Convention (Revised), 1949, and the preceding Paragraphs of the present Recommendation by bilateral agreements, which should specify the methods of applying the principles set forth in the Convention and in the Recommendation.

(2) In concluding such agreements, Members should take into account the provisions of the Model Agreement annexed to the present Recommendation in framing appropriate clauses for the organisation of migration for employment and the regulation of the conditions of transfer and employment of migrants, including refugees and displaced persons.

ANNEX

Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons (Note: The phrases and passages in *italics* refer primarily to permanent migration; those enclosed within square brackets refer solely to migration of refugees and displaced persons.)

Article 1. Exchange of Information

1. The competent authority of the territory of immigration shall periodically furnish appropriate information to the competent authority of the territory of emigration or in the case of refugees and displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government concerning:

- (a) legislative and administrative provisions relating to entry, employment, residence and settlement of migrants and of their families;
- (b) the number, the categories and the occupational qualifications of the migrants desired;
- (c) the conditions of life and work for the migrants and, in particular, cost of living and minimum wages according to occupational categories and regions of employment, supplementary allowances, if any, nature of employments available, bonus on engagement, if any, social security systems and medical assistance, provisions concerning transport of migrants and of their tools and belongings, housing conditions and provisions for the supply of food and clothing, measures relating to the transfer of the migrants' savings and other sums due in virtue of this Agreement;
- (d) special facilities, if any, for migrants;
- (e) facilities for general education and vocational training for migrants;
- (f) measures designed to promote rapid adaptation of migrants;
- (g) procedure and formalities required for naturalisation.

2. The competent authority of the territory of emigration or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government shall bring this information to the attention of persons or bodies interested.

3. The competent authority of the territory of emigration or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government shall periodically furnish appropriate information to the competent authority of the territory of immigration concerning :

- (a) legislative and administrative provisions relating to emigration;
- (b) the number and occupational qualifications of intending emigrants, as well as the composition of their families;
- (c) the social security system;
- (d) special facilities, if any, for migrants;
- (e) the environment and living conditions to which migrants are accustomed;
- (f) the provisions in force regarding the export of capital.

4. The competent authority of the territory of immigration shall bring this information to the attention of persons or bodies interested.

5. The information mentioned in paragraphs 1 to 4 above shall also be transmitted by the respective parties to the International Labour Office.

Article 2. Action against Misleading Propaganda

1. The parties agree, with regard to their respective territories, to take all practical steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

2. For this purpose the parties will, where appropriate, act in co-operation with the competent authorities of other countries concerned.

Article 3. Administrative Formalities

The parties agree to take measures with a view to accelerating and simplifying the carrying out of administrative formalities relating to departure, travel, entry, residence, and settlement of migrants and as far as possible for the members of their families. Such measures shall include the provision of an interpretation service, where necessary.

Article 4. Validity of Documents

1. The parties shall determine the conditions to be met for purposes of recognition in the territory of immigration of any document issued by the competent authority of the territory of emigration in respect of migrants and members of their families or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government concerning :

- (a) civil status;
- (b) legal status;
- (c) occupational qualifications;
- (d) general education and vocational training; and
- (e) participation in social security systems.

2. The parties shall also determine the application of such recognition.

3. In the case of refugees and displaced persons, the competent authority of the territory of immigration shall recognise the validity of any travel document issued in lieu of a national passport by the competent authority of the territory of emigration and, in particular, of travel documents issued in accordance with the terms of an international Agreement (e.g. the travel document established by the Agreement of 15 October 1946, and the Nansen passport).

Article 5. Conditions and Criteria of Migration

1. The parties shall jointly determine :
 - (a) the requirements for migrants and members of their families, as to age, physical aptitude and health, as well as the occupational qualifications for the various branches of economic activity and for the various occupational categories;
 - (b) the categories of the members of the migrants' families authorised to accompany or to join them.
2. The parties shall also determine, in accordance with the provisions of Article 28 of this Agreement :
 - (a) the numbers and occupational categories of migrants to be recruited in the course of a stated period;
 - (b) the areas of recruitment and the areas of placing and settlement except that in the case of refugees and displaced persons the determination of the areas of recruitment shall be reserved to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.
3. In order to recruit migrants required to meet the technical needs of the territory of immigration and who can adapt themselves easily to the conditions in the territory of immigration, the parties shall determine criteria to govern technical selection of the migrants.
4. In drawing up these criteria, the two parties shall take into consideration :
 - (a) with respect to medical selection:
 - (i) the nature of the medical examination which migrants shall undergo (general medical examination, X-ray examination, laboratory examination, etc.) ;
 - (ii) the drawing up of lists of diseases and physical defects which clearly constitute a disability for employment in certain occupations;
 - (iii) minimum health provisions prescribed by international health conventions and relating to movement of population from one country to another;
 - (b) with respect to vocational selection:
 - (i) qualifications required of migrants with respect to each occupation or groups of occupations;
 - (ii) enumeration of alternative occupations requiring similar qualifications or capacities on the part of the workers in order to fulfil the needs of specified occupations for which it is difficult to recruit a sufficient number of qualified workers;
 - (iii) development of psycho-technical testing;
 - (c) with respect to selection based on the age of migrants, flexibility to be given to the application of age criteria in order to take into consideration on the one hand the requirements of various occupations and, on the other, the varying capacities of different individuals at a given age.

Article 6. Organisation of Recruitment, Introduction and Placing

1. The bodies or persons which engage in the operations of recruitment, introduction and placing of migrants and of members of their families shall be named by the competent authorities of the respective territories or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government on the one hand and the competent authority of the territory of immigration on the other subject to the approval of both parties.
2. Subject to the provisions of the following paragraphs, the right to engage in the operations of recruitment, introduction and placing shall be restricted to :
 - (a) public employment offices or other public bodies of the territory in which the operations take place;

- (b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by an agreement between the parties;
- (c) any body established in accordance with the terms of an international instrument.

3. In addition, in so far as the national laws and regulations of the parties permit and subject to the approval and supervision of the competent authorities of the parties, the operations of recruitment, introduction and placing may be undertaken by :

- (a) the prospective employer or a person in his service acting on his behalf; and
- (b) private agencies.

4. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

Article 7. Selection Testing

1. An intending migrant shall undergo an appropriate examination in the territory of emigration; any such examination should inconvenience him as little as possible.

2. With respect to the organisation of the selection of migrants, the parties shall agree on :

- (a) recognition and composition of official agencies or private bodies authorised by the competent authority of the territory of immigration to carry out selection operations in the territory of emigration;
- (b) organisation of selection examinations, the centres where they are to be carried out, and allocation of expenses resulting from these examinations;
- (c) co-operation of the competent authorities of the two parties and in particular of their employment services in organising selection.

Article 8. Information and Assistance of Migrants

1. The migrant accepted after medical and occupational examination in the assembly or selection centre shall receive, in a language that he understands, all information he may still require as to the nature of the work for which he has been engaged, the region of employment, the undertaking to which he is assigned, travel arrangements and the conditions of life and work including health and related matters in the country and region to which he is going.

2. On arrival in the country of destination, and at a reception centre if such exists, or at the place of residence, migrants and the members of their families shall receive all the documents which they need for their work, their residence and their settlement in the country, as well as information, instruction and advice regarding conditions of life and work, and any other assistance that they may need to adapt themselves to the conditions in the country of immigration.

Article 9. Education and Vocational Training

The parties shall co-ordinate their activities concerning the organisation of educational courses for migrants, which shall include general information on the country of immigration, instruction in the language of that country, and vocational training.

Article 10. Exchange of Trainees

The parties agree to further the exchange of trainees, and to determine in a separate agreement the conditions governing such exchanges.

Article 11. Conditions of Transport

1. During the journey from their place of residence to the assembly or selection centre, as well as during their stay in the said centre, migrants and the members of their families shall receive from the competent authority of the territory of immigration or in the case of refugees and

displaced persons, from any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government any assistance which they may require.

2. The competent authorities of the territories of emigration and immigration shall, each within its own jurisdiction, safeguard the health and welfare of, and render assistance to, migrants and the members of their families during the journey from the assembly or selection centre to the place of their employment, as well as during their stay in a reception centre if such exists.

3. Migrants and members of their families shall be transported in a manner appropriate for human beings and in conformity with the laws and regulations in force.

4. The parties shall agree upon the terms and conditions for the application of the provisions of this Article.

Article 12. Travel and Maintenance Expenses

The parties shall agree upon the methods for meeting the cost of travel of the migrants and the members of their families from the place of their residence to the place of their destination, and the cost of their maintenance while travelling, sick or hospitalised, as well as the cost of transport of their personal belongings.

Article 13. Transfer of Funds

1. The competent authority of the territory of emigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorise and provide facilities for migrants and for members of their families to withdraw from their country such sums as they may need for their initial settlement abroad.

2. The competent authority of the territory of immigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorise and provide facilities for the periodical transfer to the territory of emigration of migrants' savings and of any other sums due in virtue of this Agreement.

3. The transfers of funds mentioned in paragraphs 1 and 2 above shall be made at the prevailing official rate of exchange.

4. The parties shall take all measures necessary for the simplification and acceleration of administrative formalities regarding the transfer of funds so that such funds may be available with the least possible delay to those entitled to them.

5. The parties shall determine if and under what conditions a migrant may be required to remit part of his wages for the maintenance of his family remaining in his country or in the territory from which he emigrated.

Article 14. Adaptation and Naturalisation

The competent authority of the territory of immigration shall take measures to facilitate adaptation to national climatic, economic and social conditions and facilitate the procedure of naturalisation of migrants and of members of their families.

Article 15. Supervision of Living and Working Conditions

1. Provision shall be made for the supervision by the competent authority or duly authorised bodies of the territory of immigration of the living and working conditions, including hygienic conditions, to which the migrants are subject.

2. With respect to temporary migrants, the parties shall provide, where appropriate, for authorised representatives of the territory of emigration or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which

may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government to co-operate with the competent authority or duly authorised bodies of the territory of immigration in carrying out this supervision.

3. During a fixed period, the duration of which shall be determined by the parties, migrants shall receive special assistance in regard to matters concerning their conditions of employment.

4. Assistance with respect to the employment and living conditions of the migrants may be given either through the regular labour inspection service of the territory of immigration or through a special service for migrants, in co-operation where appropriate with approved voluntary organisations.

5. Provision shall be made where appropriate for the co-operation of representatives of the territory of emigration or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government with such services.

Article 16. Settlement of Disputes

1. In case of a dispute between a migrant and his employer, the migrant shall have access to the appropriate courts or shall otherwise obtain redress for his grievances, in accordance with the laws and regulations of the territory of immigration.

2. The authorities shall establish such other machinery as is necessary to settle disputes arising out of the Agreement.

Article 17. Equality of Treatment

1. The competent authority of the territory of immigration shall grant to migrants and to members of their families with respect to employment in which they are eligible to engage treatment no less favourable than that applicable to its own nationals in virtue of legal or administrative provisions or collective labour agreements.

2. Such equality of treatment shall apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within the territory of immigration in respect of the following matters:

- (a) in so far as such matters are regulated by laws or regulations or are subject to the control of administrative authorities,
 - (i) remuneration, including family allowances where these form part of remuneration, hours of work, weekly rest days, overtime arrangements, holidays with pay and other regulations concerning employment, including limitations on home work, minimum age provisions, women's work, and the work of young persons;
 - (ii) membership of trade unions and enjoyment of the benefits of collective bargaining;
 - (iii) admission to schools, to apprenticeship and to courses or schools for vocational or technical training, provided that this does not prejudice nationals of the country of immigration;
 - (iv) recreation and welfare measures;
- (b) employment taxes, dues or contributions payable in respect of the persons employed;
- (c) hygiene, safety and medical assistance;
- (d) legal proceedings relating to the matters referred to in this Agreement.

Article 18. Access to Trades and Occupations and the Right to Acquire Property Equality of treatment shall also apply to :

- (a) access to trades and occupations to the extent permitted under national laws and regulations;
- (b) acquisition, possession and transmission of urban or rural property.

Article 19. Supply of Food

The treatment applied to migrants and the members of their families shall be the same as that applied to national workers in the same occupation as regards the supply of food.

Article 20. Housing Conditions

The competent authority of the territory of immigration shall ensure that migrants and the members of their families have hygienic and suitable housing, in so far as the necessary housing is available.

Article 21. Social Security

1. The two parties shall determine in a separate agreement the methods of applying a system of social security to migrants and their dependants.

2. Such agreement shall provide that the competent authority of the territory of immigration shall take measures to ensure the migrants and their dependants treatment not less favourable than that afforded by it to its nationals, except where particular residence qualifications apply to nationals.

3. The agreement shall embody appropriate arrangements for the maintenance of migrants' acquired rights and rights in course of acquisition framed with due regard to the principles of the Maintenance of Migrants' Pension Rights Convention, 1935, or of any revision of that Convention.

4. The agreement shall provide that the competent authority of the territory of immigration shall take measures to grant to temporary migrants and their dependants treatment not less favourable than that afforded by it to its nationals, subject in the case of compulsory pension schemes to appropriate arrangements being made for the maintenance of migrants' acquired rights and rights in course of acquisition.

Article 22. Contracts of Employment

1. In countries where a system of model contracts is used, the individual contract of employment for migrants shall be based on a model contract drawn up by the parties for the principal branches of economic activity.

2. The individual contract of employment shall set forth the general conditions of engagement and of employment provided in the relevant model contract and shall be translated into a language which the migrant understands. A copy of the contract shall be delivered to the migrant before departure from the territory of emigration or, if it is agreed between the two parties concerned, in a reception centre on arrival in the territory of immigration. In the latter case before departure the migrant shall be informed in writing by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category in which he is to be engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The individual contract of employment shall contain necessary information, such as :

- (a) the full name of the worker as well as the date and place of birth, his family status, his place of residence and of recruitment;
- (b) the nature of the work, and the place where it is to be performed;
- (c) the occupational category in which he is placed;
- (d) remuneration for ordinary hours of work, overtime, night work and holidays, and the medium for wage payment;
- (e) bonuses, indemnities and allowances, if any;
- (f) conditions under which and extent to which the employer may be authorised to make any deductions from remuneration;
- (g) conditions regarding food if food is to be provided by the employer;

- (h) the duration of the contract as well as the conditions of renewal and denunciation of the contract;
- (i) the conditions under which entry and residence in the territory of immigration are permitted;
- (j) the method of meeting the expenses of the journey of the migrant and the members of his family;
- (k) in case of temporary migration, the method of meeting the expenses of return to the home country or the territory of migration, as appropriate;
- (l) the grounds on which a contract may be prematurely terminated.

Article 23. Change of Employment

1. If the competent authority of the territory of immigration considers that the employment for which the migrant has been recruited does not correspond to his physical capacity or occupational qualifications, the said authority shall provide facilities for placing the said migrant in an employment corresponding to his capacity or qualifications, and in which he may be employed in accordance with national laws or regulations.

2. During periods of unemployment, if any, the method of maintaining the migrant and the dependent members of his family authorised to accompany or join him shall be determined by arrangements made under a separate agreement.

Article 24. Employment Stability

1. If before the expiration of the period of his contract the migrant for employment becomes redundant in the undertaking or branch of economic activity for which he was engaged, the competent authority of the territory of immigration shall, subject to the provisions of the contract, facilitate the placing of the said migrant in other suitable employment in which he may be employed in accordance with national laws or regulations.

2. If the migrant is not entitled to benefits under an unemployment insurance or assistance scheme, his maintenance, as well as that of dependent members of his family during any period in which he is unemployed shall be determined by a separate agreement in so far as this is not inconsistent with the terms of his contract.

3. The provisions of this Article shall not affect the right of the migrant to benefit from any provisions that may be included in his contract in case it is prematurely terminated by the employer.

Article 25. Provisions Concerning Compulsory Return

1. The competent authority of the territory of immigration undertakes that a migrant and the members of his family who have been authorised to accompany or join him will not be returned to the territory from which he emigrated unless he so desires if, because of illness or injury, he is unable to follow his occupation.

2. The Government of the territory of immigration undertakes not to send refugees and displaced persons or migrants who do not wish to return to their country of origin for political reasons back to their territory of origin as distinct from the territory from which they were recruited, unless they formally express this desire by a request in writing addressed both to the competent authority of the territory of immigration and the representative of the body set up in accordance with the provisions of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

Article 26. Return Journey

1. The cost of the return journey of a migrant introduced under a plan sponsored by the Government of the territory of immigration, who is obliged to leave his employment for reasons for

which he is not responsible, and who cannot, in virtue of national laws and regulations, be placed in an employment for which he is eligible, shall be regulated as follows:

- (a) the cost of the return journey of the migrant, and persons dependent upon him, shall in no case fall on the migrant himself;
- (b) supplementary bilateral agreements shall specify the method of meeting the cost of this return journey;
- (c) in any case, even if no provision to this effect is included in a bilateral agreement, the information given to migrants at the time of their recruitment shall specify what person or agency is responsible for defraying the cost of return in the circumstances mentioned in this Article.

2. In accordance with the methods of co-operation and consultation agreed upon under Article 28 of this Agreement, the two parties shall determine the measures necessary to organise the return home of the said persons and to assure to them in the course of the journey the conditions of health and welfare and the assistance which they enjoyed during the outward journey.

3. The competent authority of the territory of emigration shall exempt from customs duties on their arrival :

- (a) personal effects; and
- (b) portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades, which have been in possession and use of the said persons for an appreciable time and which are intended to be used by them in the course of their occupation.

Article 27. Double Taxation

The two parties shall determine in a separate agreement the measures to be taken to avoid double taxation on the earnings of a migrant for employment.

Article 28. Methods of Co-operation

1. The two parties shall agree on the methods of consultation and co-operation necessary to carry out the terms of the Agreement.

2. When so requested by the representatives of the two parties the International Labour Office shall be associated with such consultation and co-operation.

Article 29. Final Provisions

1. The parties shall determine the duration of the Agreement as well as the period of notice for termination.

2. The parties shall determine those provisions of this Agreement which shall remain in operation after expiration of this Agreement.

Convention No. 143

Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity of Migrant Workers (1975)

- The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Sixtieth Session on 4 June 1975, and
Considering that the Preamble of the Constitution of the International Labour Organisation assigns
to it the task of protecting «the interests of workers when employed in countries other than
their own», and
Considering that the Declaration of Philadelphia reaffirms, among the principles on which the
Organisation is based, that «labour is not a commodity», and that «poverty anywhere consti-
tutes a danger to prosperity everywhere», and recognises the solemn obligation of the ILO to
further programmes which will achieve in particular full employment through «the transfer
of labour, including for employment ...»,
Considering the ILO World Employment Programme and the Employment Policy Convention and
Recommendation, 1964, and emphasising the need to avoid the excessive and uncontrolled
or unassisted increase of migratory movements because of their negative social and human
consequences, and
Considering that in order to overcome underdevelopment and structural and chronic unemploy-
ment, the governments of many countries increasingly stress the desirability of encouraging
the transfer of capital and technology rather than the transfer of workers in accordance with
the needs and requests of these countries in the reciprocal interest of the countries of origin
and the countries of employment, and
Considering the right of everyone to leave any country, including his own, and to enter his own
country, as set forth in the Universal Declaration of Human Rights and the International
Covenant on Civil and Political Rights, and
Recalling the provisions contained in the Migration for Employment Convention and Recom-
mendation (Revised), 1949, in the Protection of Migrant Workers (Underdeveloped Coun-
tries) Recommendation, 1955, in the Employment Policy Convention and Recommendation,
1964, in the Employment Service Convention and Recommendation, 1948, and in the Fee-
Charging Employment Agencies Convention (Revised), 1949, which deal with such matters
as the regulation of the recruitment, introduction and placing of migrant workers, the provi-
sion of accurate information relating to migration, the minimum conditions to be enjoyed by
migrants in transit and on arrival, the adoption of an active employment policy and interna-
tional collaboration in these matters, and
Considering that the migration of workers due to conditions in labour markets should take place
under the responsibility of official agencies for employment or in accordance with the rele-
vant bilateral or multilateral agreements, in particular those permitting free circulation of
workers, and

Considering that evidence of the existence of illicit and clandestine trafficking in labour calls for further standards specifically aimed at eliminating these abuses, and

Recalling the provisions of the Migration for Employment Convention (Revised), 1949, which require ratifying Members to apply to immigrants lawfully within their territory treatment not less favourable than that which they apply to their nationals in respect of a variety of matters which it enumerates, in so far as these are regulated by laws or regulations or subject to the control of administrative authorities, and

Recalling that the definition of the term «discrimination» in the Discrimination (Employment and Occupation) Convention, 1958, does not mandatorily include distinctions on the basis of nationality, and

Considering that further standards, covering also social security, are desirable in order to promote equality of opportunity and treatment of migrant workers and, with regard to matters regulated by laws or regulations or subject to the control of administrative authorities, ensure treatment at least equal to that of nationals, and

Noting that, for the full success of action regarding the very varied problems of migrant workers, it is essential that there be close co-operation with the United Nations and other specialised agencies, and

Noting that, in the framing of the following standards, account has been taken of the work of the United Nations and of other specialised agencies and that, with a view to avoiding duplication and to ensuring appropriate co-ordination, there will be continuing co-operation in promoting and securing the application of the standards, and

Having decided upon the adoption of certain proposals with regard to migrant workers, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention supplementing the Migration for Employment Convention (Revised), 1949, and the Discrimination (Employment and Occupation) Convention, 1958,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Migrant Workers (Supplementary Provisions) Convention, 1975:

PART I. MIGRATIONS IN ABUSIVE CONDITIONS

Article 1

Each Member for which this Convention is in force undertakes to respect the basic human rights of all migrant workers.

Article 2

1. Each Member for which this Convention is in force shall systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations.

2. The representative organisations of employers and workers shall be fully consulted and enabled to furnish any information in their possession on this subject.

Article 3

Each Member shall adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members—

- (a) to suppress clandestine movements of migrants for employment and illegal employment of migrants, and
- (b) against the organisers of illicit or clandestine movements of migrants for employment departing from, passing through or arriving in its territory, and against those who employ workers who have immigrated in illegal conditions, in order to prevent and to eliminate the abuses referred to in Article 2 of this Convention.

Article 4

In particular, Members shall take such measures as are necessary, at the national and the international level, for systematic contact and exchange of information on the subject with other States, in consultation with representative organisations of employers and workers.

Article 5

One of the purposes of the measures taken under Articles 3 and 4 of this Convention shall be that the authors of manpower trafficking can be prosecuted whatever the country from which they exercise their activities.

Article 6

1. Provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and the application of administrative, civil and penal sanctions, which include imprisonment in their range, in respect of the illegal employment of migrant workers, in respect of the organisation of movements of migrants for employment defined as involving the abuses referred to in Article 2 of this Convention, and in respect of knowing assistance to such movements, whether for profit or otherwise.

2. Where an employer is prosecuted by virtue of the provision made in pursuance of this Article, he shall have the right to furnish proof of his good faith.

Article 7

The representative organisations of employers and workers shall be consulted in regard to the laws and regulations and other measures provided for in this Convention and designed to prevent and eliminate the abuses referred to above, and the possibility of their taking initiatives for this purpose shall be recognised.

Article 8

1. On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, work permit.

2. Accordingly, he shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining.

Article 9

1. Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularised, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits.

2. In case of dispute about the rights referred to in the preceding paragraph, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative.
3. In case of expulsion of the worker or his family, the cost shall not be borne by them.
4. Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment.

PART II. EQUALITY OF OPPORTUNITY AND TREATMENT

Article 10

Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

Article 11

1. For the purpose of this Part of this Convention, the term migrant worker means a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker.
2. This Part of this Convention does not apply to—
 - (a) frontier workers;
 - (b) artistes and members of the liberal professions who have entered the country on a short-term basis;
 - (c) seamen;
 - (d) persons coming specifically for purposes of training or education;
 - (e) employees of organisations or undertakings operating within the territory of a country who have been admitted temporarily to that country at the request of their employer to undertake specific duties or assignments, for a limited and defined period of time, and who are required to leave that country on the completion of their duties or assignments.

Article 12

Each Member shall, by methods appropriate to national conditions and practice—

- (a) seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the policy provided for in Article 10 of this Convention;
- (b) enact such legislation and promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) take measures, encourage educational programmes and develop other activities aimed at acquainting migrant workers as fully as possible with the policy, with their rights and obligations and with activities designed to give effective assistance to migrant workers in the exercise of their rights and for their protection;
- (d) repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (e) in consultation with representative organisations of employers and workers, formulate and apply a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking

account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment;

- (f) take all steps to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of their mother tongue;
- (g) guarantee equality of treatment, with regard to working conditions, for all migrant workers who perform the same activity whatever might be the particular conditions of their employment.

Article 13

1. A Member may take all necessary measures which fall within its competence and collaborate with other Members to facilitate the reunification of the families of all migrant workers legally residing in its territory.

2. The members of the family of the migrant worker to which this Article applies are the spouse and dependent children, father and mother.

Article 14

A Member may—

- (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract;
- (b) after appropriate consultation with the representative organisations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas;
- (c) restrict access to limited categories of employment or functions where this is necessary in the interests of the State.

PART III FINAL PROVISIONS

Article 15

This Convention does not prevent Members from concluding multilateral or bilateral agreements with a view to resolving problems arising from its application.

Article 16

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude either Part I or Part II from its acceptance of the Convention.

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

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate in its reports upon the application of this Convention the position of its law and practice in regard to the provisions of the Part excluded from its acceptance, the extent to which effect has been given, or is proposed to be given, to the said provision and the reasons for which it has not yet included them in its acceptance of the Convention.

Recommendation No. 151**Recommendation concerning Migrant Workers (1975)**

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Sixtieth Session on 4 June 1975, and
Considering that the Preamble of the Constitution of the International Labour Organisation assigns
to it the task of protecting the interests of workers when employed in countries other than
their own, and
Recalling the provisions contained in the Migration for Employment Convention and Recommendation (Revised), 1949, and in the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, which deal with such matters as the preparation and organisation of migration, social services to be provided to migrant workers and their families, in particular before their departure and during their journey, equality of treatment as regards a variety of matters which they enumerate, and the regulation of the stay and return of migrant workers and their families, and
Having adopted the Migrant Workers (Supplementary Provisions) Convention, 1975, and
Considering that further standards are desirable as regards equality of opportunity and treatment, social policy in regard to migrants and employment and residence, and
Having decided upon the adoption of certain proposals with regard to migrant workers, which is the fifth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation,
adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-five, the following Recommendation, which may be cited as the Migrant Workers Recommendation, 1975:

1. Members should apply the provision of this Recommendation within the framework of a coherent policy on international migration for employment. That policy should be based upon the economic and social needs of both countries of origin and countries of employment; it should take account not only of short-term manpower needs and resources but also of the long-term social and economic consequences of migration for migrants as well as for the communities concerned.

I. EQUALITY OF OPPORTUNITY AND TREATMENT

2. Migrant workers and members of their families lawfully within the territory of a Member should enjoy effective equality of opportunity and treatment with nationals of the Member concerned in respect of—
 - (a) access to vocational guidance and placement services;
 - (b) access to vocational training and employment of their own choice on the basis of individual suitability for such training or employment, account being taken of qualifications acquired outside the territory of and in the country of employment;

- (c) advancement in accordance with their individual character, experience, ability and diligence;
- (d) security of employment, the provision of alternative employment, relief work and retraining;
- (e) remuneration for work of equal value;
- (f) conditions of work, including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (g) membership of trade unions, exercise of trade union rights and eligibility for office in trade unions and in labour-management relations bodies, including bodies representing workers in undertakings;
- (h) rights of full membership in any form of co-operative;
- (i) conditions of life, including housing and the benefits of social services and educational and health facilities.

3. Each Member should ensure the application of the principles set forth in Paragraph 2 of this Recommendation in all activities under the control of a public authority and promote its observance in all other activities by methods appropriate to national conditions and practice.

4. Appropriate measures should be taken, with the collaboration of employers' and workers' organisations and other bodies concerned, with a view to—

- (a) fostering public understanding and acceptance of the above-mentioned principles;
- (b) examining complaints that these principles are not being observed and securing the correction, by conciliation of other appropriate means, of any practices regarded as in conflict therewith.

5. Each Member should ensure that national laws and regulations concerning residence in its territory are so applied that the lawful exercise of rights enjoyed in pursuance of these principles cannot be the reason for non-renewal of a residence permit or for expulsion and is not inhibited by the threat of such measures.

6. A Member may—

- (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract;
- (b) after appropriate consultation with the representative organisations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas;
- (c) restrict access to limited categories of employment or functions where this is necessary in the interests of the State.

7. (1) In order to enable migrant workers and their families to take full advantage of their rights and opportunities in employment and occupation, such measures as may be necessary should be taken, in consultation with the representative organisations of employers and workers—

- (a) to inform them, as far as possible in their mother tongue or, if that is not possible, in a language with which they are familiar, of their rights under national law and practice as regards the matters dealt with in Paragraph 2 of this Recommendation;
- (b) to advance their knowledge of the language or languages of the country of employment, as far as possible during paid time;
- (c) generally, to promote their adaptation to the society of the country of employment and to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of their mother tongue.

(2) Where agreements concerning the collective recruitment of workers have been concluded between Members, they should jointly take the necessary measures before the migrants' departure from their country of origin to introduce them to the language of the country of employment and also to its economic, social and cultural environment.

8. (1) Without prejudice to measures designed to ensure that migrant workers and their families enter national territory and are admitted to employment in conformity with the relevant laws and regulations, a decision should be taken as soon as possible in cases in which these laws and regulations have not been respected so that the migrant worker should know whether his position can be regularised or not.

(2) Migrant workers whose position has been regularised should benefit from all rights which, in accordance with Paragraph 2 of this Recommendation, are provided for migrant workers lawfully within the territory of a Member.

(3) Migrant workers whose position has not been or could not be regularised should enjoy equality of treatment for themselves and their families in respect of rights arising out of present and past employment as regards remuneration, social security and other benefits as well as regards trade union membership and exercise of trade union rights.

(4) In case of dispute about the rights referred to in the preceding sub-paragraphs, the worker should have the possibility of presenting his case to a competent body, either himself or through a representative.

(5) In case of expulsion of the worker or his family, the cost should not be borne by them.

II. SOCIAL POLICY

9. Each Member should, in consultation with representative organisations of employers and workers, formulate and apply a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment.

10. With a view to making the policy as responsive as possible to the real needs of migrant workers and their families, it should be based, in particular, on an examination not only of conditions in the territory of the Member but also of those in the countries of origin of the migrants.

11. The policy should take account of the need to spread the social cost of migration as widely and equitably as possible over the entire collectivity of the country of employment, and in particular over those who profit most from the work of migrants.

12. The policy should be periodically reviewed and evaluated and where necessary revised.

A. Reunification of Families

13. (1) All possible measures should be taken both by countries of employment and by countries of origin to facilitate the reunification of families of migrant workers as rapidly as possible. These measures should include, as necessary, national laws or regulations and bilateral and multilateral arrangements.

(2) A prerequisite for the reunification of families should be that the worker has, for his family, appropriate accommodation which meets the standards normally applicable to nationals of the country of employment.

14. Representatives of all concerned, and in particular of employers and workers, should be consulted on the measures to be adopted to facilitate the reunification of families and their co-operation sought in giving effect thereto.

15. For the purpose of the provisions of this Recommendation relating to the reunification of families, the family of the migrant worker should include the spouse and dependent children, father and mother.

16. With a view to facilitating the reunification of families as quickly as possible in accordance with Paragraph 13 of this Recommendation, each Member should take full account of the needs of migrant workers and their families in particular in its policy regarding the construction

of family housing, assistance in obtaining this housing and the development of appropriate reception services.

17. Where a migrant worker who has been employed for at least one year in a country of employment cannot be joined by his family in that country, he should be entitled—

- (a) to visit the country of residence of his family during the paid annual holiday to which he is entitled under the national law and practice of the country of employment without losing during the absence from that country any acquired rights or rights in course of acquisition and, particularly, without having his employment terminated or his right to residence in the country of employment withdrawn during that period; or
- (b) to be visited by his family for a period corresponding at least to the annual holiday with pay to which he is entitled.

18. Consideration should be given to the possibility of giving the migrant worker financial assistance towards the cost of the travel envisaged in the preceding Paragraph or a reduction in the normal cost of transport, for instance by the arrangement of group travel.

19. Without prejudice to more favourable provisions which may be applicable to them, persons admitted in pursuance of international arrangements for free movement of labour should have the benefit of the measures provided for in Paragraphs 13 to 18 of this Recommendation.

B. Protection of the Health of Migrant Workers

20. All appropriate measures should be taken to prevent any special health risks to which migrant workers may be exposed.

21. (1) Every effort should be made to ensure that migrant workers receive training and instruction in occupational safety and occupational hygiene in connection with their practical training or other work preparation, and, as far as possible, as part thereof.

(2) In addition, a migrant worker should, during paid working hours and immediately after beginning his employment, be provided with sufficient information in his mother tongue or, if that is not possible, in a language with which he is familiar, on the essential elements of laws and regulations and on provisions of collective agreements concerning the protection of workers and the prevention of accidents as well as on safety regulations and procedures particular to the nature of the work.

22. (1) Employers should take all possible measures so that migrant workers may fully understand instructions, warnings, symbols and other signs relating to safety and health hazards at work.

(2) Where, on account of the migrant workers' lack of familiarity with processes, language difficulties or other reasons, the training or instruction given to other workers is inadequate for them, special measures which ensure their full understanding should be taken.

(3) Members should have laws or regulations applying the principles set out in this Paragraph and provide that where employers or other persons or organisations having responsibility in this regard fail to observe such laws or regulations, administrative, civil and penal sanctions might be imposed.

C. Social Services

23. In accordance with the provisions of Paragraph 2 of this Recommendation, migrant workers and their families should benefit from the activities of social services and have access thereto under the same conditions as nationals of the country of employment.

24. In addition, social services should be provided which perform, in particular, the following functions in relation to migrant workers and their families—

- (a) giving migrant workers and their families every assistance in adapting to the economic, social and cultural environment of the country of employment;

- (b) helping migrant workers and their families to obtain information and advice from appropriate bodies, for instance by providing interpretation and translation services; to comply with administrative and other formalities; and to make full use of services and facilities provided in such fields as education, vocational training and language training, health services and social security, housing, transport and recreation: Provided that migrant workers and their families should as far as possible have the right to communicate with public authorities in the country of employment in their own language or in a language with which they are familiar, particularly in the context of legal assistance and court proceedings;
- (c) assisting authorities and bodies with responsibilities relating to the conditions of life and work of migrant workers and their families in identifying their needs and in adapting thereto;
- (d) giving the competent authorities information and, as appropriate, advice regarding the formulation, implementation and evaluation of social policy with respect to migrant workers;
- (e) providing information for fellow workers and foremen and supervisors about the situation and the problems of migrant workers.

25. (1) The social services referred to in Paragraph 24 of this Recommendation may be provided, as appropriate to national conditions and practice, by public authorities, by approved non-profit-making organisations or bodies, or by a combination of both. The public authorities should have the over-all responsibility of ensuring that these social services are at the disposal of migrant workers and their families.

(2) Full use should be made of services which are or can be provided by authorities, organisations and bodies serving the nationals of the country of employment, including employers' and workers' organisations.

26. Each Member should take such measures as may be necessary to ensure that sufficient resources and adequately trained staff are available for the social services referred to in Paragraph 24 of this Recommendation.

27. Each Member should promote co-operation and co-ordination between different social services on its territory and, as appropriate, between these services and corresponding services in other countries, without, however, this co-operation and co-ordination relieving the States of their responsibilities in this field.

28. Each Member should organise and encourage the organisation, at the national, regional or local level, or as appropriate in a branch of economic activity employing substantial numbers of migrant workers, of periodic meetings for the exchange of information and experience. Consideration should also be given to the exchange of information and experience with other countries of employment as well as with the countries of origin of migrant workers.

29. Representatives of all concerned and in particular of employers and workers should be consulted on the organisation of the social services in question and their co-operation sought in achieving the purposes aimed at.

III. EMPLOYMENT AND RESIDENCE

30. In pursuance of the provision of Paragraph 18 of the Migration for Employment Recommendation (Revised), 1949, that Members should, as far as possible, refrain from removing from their territory, on account of lack of means or the state of the employment market, a migrant worker regularly admitted thereto, the loss by such migrant worker of his employment should not in itself imply the withdrawal of his authorisation of residence.

31. A migrant who has lost his employment should be allowed sufficient time to find alternative employment, at least for a period corresponding to that during which he may be entitled to unemployment benefit; the authorisation of residence should be extended accordingly.

32. (1) A migrant worker who has lodged an appeal against the termination of his employment, under such procedures as may be available, should be allowed sufficient time to obtain a final decision thereon.

(2) If it is established that the termination of employment was not justified, the migrant worker should be entitled, on the same terms as national workers, to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, or to access to a new job with a right to indemnification. If he is not reinstated, he should be allowed sufficient time to find alternative employment.

33. A migrant worker who is the object of an expulsion order should have a right of appeal before an administrative or judicial instance, according to conditions laid down in national laws or regulations. This appeal should stay the execution of the expulsion order, subject to the duly substantiated requirements of national security or public order. The migrant worker should have the same right to legal assistance as national workers and have the possibility of being assisted by an interpreter.

34. (1) A migrant worker who leaves the country of employment should be entitled, irrespective of the legality of his stay therein—

- (a) to any outstanding remuneration for work performed, including severance payments normally due;
- (b) to benefits which may be due in respect of any employment injury suffered;
- (c) in accordance with national practice—
 - (i) to compensation in lieu of any holiday entitlement acquired but not used;
 - (ii) to reimbursement of any social security contributions which have not given and will not give rise to rights under national laws or regulations or international arrangements: Provided that where social security contributions do not permit entitlement to benefits, every effort should be made with a view to the conclusion of bilateral or multilateral agreements to protect the rights of migrants.

(2) Where any claim covered in subparagraph (1) of this Paragraph is in dispute, the worker should be able to have his interests represented before the competent body and enjoy equal treatment with national workers as regards legal assistance.