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REPUBLIC OF KENYA

Sessional Paper No. 1 of 1977

INTERNATIONAL LABOUR ORGANIZATION

**Proposed action by the Republic of Kenya on certain
Conventions and Recommendations adopted by the
International Labour Conference**

Twenty Shillings—1977

Sessional Paper No. 1 of 1977

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INTERNATIONAL LABOUR ORGANIZATION

Five Conventions and five Recommendations adopted by the International Labour Conference at its 58th, 59th and 60th Sessions, and the views thereon of the Government of Kenya, which it is proposed to communicate to the Director-General, of the International Labour Office, are hereby presented to the National Assembly.

The texts of the Conventions and Recommendations are given in the Appendix to this Paper.

Convention No. 137

CONCERNING THE SOCIAL REPERCUSSIONS OF NEW METHODS OF CARGO HANDLING IN DOCKS, 1973

Many changes are taking place in cargo-handling methods in docks including the adoption of unit loads, the introduction of roll-on roll-off techniques. Furthermore there is substantial increase in mechanization and automation which affect the pattern of movement of freight. While the changes may benefit both shipowners and dockworkers in the shipping industry, they may at the same time generate considerable social repercussions affecting the level of employment in ports as well as conditions of work and life of dockworkers. The General Conference of the I.L.O. meeting in Geneva considered those changes which were expected to become more widespread in the future and decided to adopt this Convention to prevent or to reduce to the minimum social repercussions arising out of these changes.

The essential object of the new Convention is to make sure that workers share fully in the benefits secured by the new methods and that lasting improvement is achieved by such means as the regulation of employment and stabilization of income.

Convention calls for national policy to encourage permanent or regular employment for dockworkers as far as is practicable; for guaranteed minimum periods of employment or a minimum income as adapted to the economic and social situation of the country or the port concerned; and for co-operation of employers' and workers' organizations in improving the efficiency of work in ports.

Since all that the instruments seek to do is to alleviate hardships, such as redundancies, that may be experienced by workers as a result of the introduction of new methods of cargo-handling, and at the same time to ensure that the social benefits accruing from this introduction is enjoyed by both sides of industry, the Government intends to ratify this instrument.

Recommendation No. 145

CONCERNING THE SOCIAL REPERCUSSIONS OF NEW METHODS OF CARGO HANDLING IN DOCKS, 1973

The provisions of this Recommendation supplements those of Convention No. 137 on the same matter. The Recommendation applies to persons who are regularly available for work as dockworkers and occasional and seasonal dockworkers. It recommends that each country should adopt those changes in the methods of cargo handling which are best suited to its economy, having regard to inland transport. Efforts should be made to place into some other employment dockworkers who become redundant as a result of the introduction of the new methods of cargo handling.

The Recommendation requires that there should be an adequate and qualified inspection service to enforce laws and regulations governing safety, health, and welfare including arrangements for vocational training in the ports; and that where dockworkers are required to do shift work, any inconveniences arising out of such shift work should be reduced to the minimum.

The Ministry of Labour, through its factory inspectorate services and the Port Authority together maintain inspectors who check on all aspects of safety, health and welfare regarding work in Kenya ports. Since this Recommendation is an extension of the Convention No. 137 which it is recommended to ratify, the Government intends to adopt this instrument.

Convention No. 143

CONCERNING MIGRANT WORKERS

The Convention consists of two parts which can be ratified separately. The first part, on migration in abusive conditions, commits ratifying states to suppress clandestine and illegal movements for employment of migrants in abusive conditions by taking necessary measures against organizing of illicit or clandestine movements for employment.

The second part of the Convention on equality of opportunity and treatment for migrant workers requires each state ratifying the Convention to declare and pursue a national policy designed to promote and to guarantee 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 freedom for persons who as migrant workers or as members of their families are lawfully within its territory.

This part of the Convention defines a migrant worker as 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 it includes any person regularly admitted as migrant workers.

While the matters dealt with in this instrument do not largely apply in our situation, it is felt however that the principles covered in it are generally sound. The Government therefore proposes to ratify this Convention.

Recommendation No. 151

CONCERNING MIGRANT WORKERS

This Recommendation on migrant workers requests member states to take account not only of short-term needs but also of the long-term social and economic consequences on migrants. Other provisions cover the various situations arising for the migrant workers such as loss of employment and also deal with measures concerning the settlement of any entitlements when the migrant worker leaves the country of employment.

Since the Recommendation supplements the Convention which it is proposed to ratify, the Government intends to adopt this Recommendation.

Convention No. 140

CONCERNING PAID EDUCATIONAL LEAVE

Progress in science and technology, unpredictable changes in economic and social conditions call for the continuing extension and adaptation of workers' knowledge and skills, so as to help them keep pace with the requirements of their career.

The Convention defines paid educational leave as "leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlement".

Although experience in this field is still limited, and developing countries such as ours have more urgent priorities to meet, it is felt nevertheless the benefits and objectives enumerated in this Convention should be extended to workers in Kenya. Moreover, the training levy made under the Industrial Training Act meets most of the requirements of the Convention. The Government therefore intends to ratify the Convention.

Recommendation No. 148

CONCERNING PAID EDUCATIONAL LEAVE

This complementing Recommendation to Convention No. 140 sets out the methods by which paid educational leave may be promoted, while noting that it is not a substitute for education and training facilities.

When leave is taken for trade union education, the workers' organization concerned should be responsible for selecting candidates.

A worker should be able to maintain the same level of his earnings during paid education leave.

Since the provisions of this Recommendation supplement those of Convention No. 140, the Government intends to adopt the instrument.

Recommendation No. 150

CONCERNING VOCATIONAL GUIDANCE AND VOCATIONAL TRAINING IN THE DEVELOPMENT OF HUMAN RESOURCES

The Recommendation gives detailed advice as to measures necessary to carry out vocational guidance and training policies and programmes. It underlines the importance of training which is practical and related to real work situations. It indicates how to provide programmes to aid identifiable population groups who may need help to acquire equality of employment opportunity, such as school drop-outs, older workers, women workers, persons handicapped by language, minority groups and the disabled.

Both Convention No. 142 on this subject and this Recommendation stress that there should be no discrimination of any kind in the operation of vocational guidance and training programmes.

Since the Recommendation supplements the Convention which it is proposed to ratify, the Government therefore intends to adopt the Recommendation.

Convention No. 142

CONCERNING VOCATIONAL GUIDANCE AND VOCATIONAL TRAINING IN THE DEVELOPMENT OF HUMAN RESOURCES

Each country ratifying this Convention is required to plan its various vocational training policies and programmes so that they effectively promote employment and attain economic and human development targets. Such policies should enable the skills of the working population to keep pace with changing economic and social conditions.

The Convention requires training programmes to be arranged in such manner as to provide training whenever it is needed throughout a worker's life. This reflects an advance on the previous view that training is merely an introduction to work.

Training policies and programmes planned according to the new concept in the Convention should be backed by vocational guidance systems that would channel workers in the directions where they are needed, and provide people with information on how and where they can best use their abilities.

It is felt that the expanded programmes and activities of vocational training under the Industrial Training Act generally cover the provisions of this Convention in as far as industry is concerned. In the public sector, adequate arrangements for vocational training and guidance exist. The Government, therefore, intends to ratify this Convention.

Convention No. 141

CONCERNING THE ORGANIZATION OF RURAL WORKERS AND THEIR ROLE IN ECONOMIC AND SOCIAL DEVELOPMENT

In this Convention "rural workers" is defined as "persons engaged in agriculture, handicrafts or a related occupation in a rural area" whether as wage earners or as self-employed persons such as tenants, sharecroppers or small owner-occupiers. Small owner-occupiers in our sense would mean peasant farmers who do not employ workers permanently and who have no substantial land to sharecrop or sub-let to tenants.

The Convention requires ratifying states to facilitate the establishment and growth, on a voluntary basis, of strong and independent organizations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination, in economic and social development and in obtaining the benefits resulting therefrom.

The Convention requires countries to adopt and carry out a policy of active encouragement to these organizations, and eliminate any legislative and other obstacles to their establishment, growth and the pursuit of their lawful activities.

Rural and agricultural workers in Kenya have the freedom of association and of movement, which are guaranteed in the constitution. The Government through its Provincial Administration and the Ministries of Agriculture, Housing and Social Services

encourage the establishment and growth on a voluntary basis of all sorts of organizations of rural workers and of the rural population. There would thus be no practical problems in applying the requirements of this instrument in Kenya. The Government therefore intends to ratify this Convention.

Recommendation No. 149

CONCERNING THE ORGANIZATION OF RURAL WORKERS AND THEIR ROLE IN ECONOMIC AND SOCIAL DEVELOPMENT

This Recommendation elaborates measures which should enable the principles enunciated in the Convention to be put into effect. It recommends that rural workers' organizations should be able to take part in the planning of rural development programmes; in the promotion of access of rural workers to services such as credit; in helping improve education and vocational training for rural development and should be able to contribute to the improvement of working and living conditions as well as to encourage the development of social security and basic social services.

Since the Recommendation is supplementary to the Convention which it is proposed to ratify, the Government intends to adopt the Recommendation.

INTERNATIONAL LABOUR CONFERENCE

Convention 143**CONVENTION CONCERNING MIGRATIONS IN ABUSIVE CONDITIONS AND THE PROMOTION OF EQUALITY OF OPPORTUNITY AND TREATMENT OF MIGRANT WORKERS**

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 Sixtieth Session on 4 June 1975, and

Considering that the Preamble of the Constitution of the International Labour Organization 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 Organization is based, that "labour is not a commodity", and that "poverty anywhere constitutes a danger to prosperity everywhere", and recognizes 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 emphasizing the need to avoid the excessive and uncontrolled or unassisted increase of migratory movement because of their negative social and human consequences, and

Considering that in order to overcome underdevelopment and structural and chronic unemployment, the governments of many countries increasingly stress the desirability of encouraging the transfer of capital and technology rather than the transfer of workers in accordance with the needs and requests of these countries in the reciprocal interest of the countries of origin and the countries of employment, and

Considering the right of everyone to leave any country, including his own, and to enter his own country, as set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and

Recalling the provisions contained in the Migration for Employment Convention and Recommendation (Revised), 1949, in the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, in the Employment Policy Convention and Recommendation, 1964, in the Employment Service Convention and Recommendation, 1948, and in the Free-Charging Employment Agencies Convention

(Revised), 1949, which deal with such matters as the regulation of the recruitment, introduction and placing of migrant workers, the provision of accurate information relating to migration, the minimum conditions to be enjoyed by migrants in transit and on arrival, the adoption of an active employment policy and international collaboration in these matters, and

Considering that the emigration of workers due to conditions in labour markets should take place under the responsibility of official agencies for employment or in accordance with the relevant bilateral or multilateral agreements, in particular those permitting free circulation of workers, and

Considering that evidence of the existence of illicit and clandestine trafficking in labour calls for further standards specifically aimed at eliminating these abuses, and

Recalling the provisions of the Migration for Employment Convention (Revised), 1949, which require ratifying Members to apply to immigrants lawfully within their territory treatment not less favourable than that which they apply to their nationals in respect of a variety of matters which it enumerates, in so far as these are regulated by laws or regulations or subject to the control of administrative authorities, and

Recalling that the definition of the term "discrimination" in the Discrimination (Employment and Occupation) Convention, 1958, does not mandatorily include distinctions on the basis of nationality, and

Considering that further standards, covering also social security, are desirable in order to promote equality of opportunity and treatment of migrant workers and, with regard to matters regulated by laws or regulations or subject to the control of administrative authorities, ensure treatment at least equal to that of nationals, and

Noting that, for the full success of action regarding the very varied problems of migrant workers, it is essential that there be close co-operation with the United Nations and other specialized 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 specialized 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 of 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 organizations 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 organizers 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 organizations 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 organization 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 organizations 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 recognized.

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 authorization 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 resident 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 specially for purposes of training or education;
- (e) employees of organizations 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' organizations 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 organizations 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 organizations 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.

Article 17

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 19

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 20

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 21

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 22

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 23

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 19 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 24

The English and French versions of the text of this Convention are equally authoritative.

INTERNATIONAL LABOUR CONFERENCE

Convention 137

**CONVENTION CONCERNING THE SOCIAL REPERCUSSIONS
OF NEW METHODS OF CARGO HANDLING IN DOCKS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the Inter-
national Labour Office, and having met in its Fifty-eighth Session on
6th June, 1973, and

Considering that important changes have taken place and are taking place
in cargo-handling methods in docks—such as the adoption of unit
loads, the introduction of roll-on roll-off techniques and the increase
of mechanization and automation—and in the pattern of movement
of freight, and that such changes are expected to become more
widespread in the future, and

Considering that such changes, by speeding up freight movements,
reducing the time spent by ships in ports and lowering transport
costs, may benefit the economy of the country concerned as a whole
and contribute to the raising of the standard of living, and

Considering that such changes also involve considerable repercussions on
the level of employment in ports and on the conditions of work and
life of dockworkers, and that measures should be adopted to pre-
vent or to reduce the problems consequent thereon, and

Considering that dockworkers should share in the benefits secured by the
introduction of new methods of cargo handling and that, accordingly,
action for the lasting improvement of their situation, by such means
as regularization of employment and stabilization of income, and
other measures relating to their conditions of work and life, as well
as to safety and health aspects of dock work, should be planned
and taken concurrently with the planning and introduction of new
methods, and

Having decided upon the adoption of certain proposals with regard to
social repercussions of new methods of cargo handling (docks),
which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an inter-
national Convention,

adopts this twenty-fifth day of June of the year one thousand nine hundred
and seventy-three the following Convention, which may be cited as the
Dock Work Convention, 1973:

Article 1

1. This Convention applies to persons who are regularly available for work as dockworkers and who depend on their work as such for their main annual income.

2. For the purpose of this Convention the terms "dockworkers" and "dock work" mean persons and activities defined as such by national law or practice. The organizations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of such definitions. Account shall be taken in this connection of new methods of cargo handling and their effect on the various dockworker occupations.

Article 2

1. It shall be national policy to encourage all concerned to provide permanent or regular employment for dockworkers in so far as practicable.

2. In any case, dockworkers shall be assured minimum periods of employment or a minimum income, in a manner and to an extent depending on the economic and social situation of the country and port concerned.

Article 3

1. Registers shall be established and maintained for all occupational categories of dockworkers, in a manner to be determined by national law or practice.

2. Registered dockworkers shall have priority of engagement for dock work.

3. Registered dockworkers shall be required to be available for work in a manner to be determined by national law or practice.

Article 4

1. The strength of the registers shall be periodically reviewed, so as to achieve levels adapted to the needs of the port.

2. Any necessary reduction in the strength of a register shall be accompanied by measures designed to prevent or minimize detrimental effects on dockworkers.

Article 5

In order to secure the greatest social advantage of new methods of cargo handling, it shall be national policy to encourage co-operation between employers or their organizations, on the one hand, and workers' organizations, on the other hand, in improving the efficiency of work in ports, with the participation, as appropriate, of the competent authorities.

Article 6

Each Member shall ensure that appropriate safety, health, welfare and vocational training provisions apply to dockworkers.

Article 7

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

Article 8

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratification 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 10

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 11

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 12

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 13

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 14

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 10 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 15

The English and French versions of the text of this Convention are equally authoritative.

INTERNATIONAL LABOUR CONFERENCE

Convention 140

CONVENTION CONCERNING PAID EDUCATIONAL LEAVE

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 Fifty-ninth Session on 5th June, 1974, and

Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

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

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Convention, which may be cited as the Paid Educational Leave Convention, 1974:

Article 1

In this Convention, the term "paid educational leave" means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

Article 2

Each Member shall formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of—

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

Article 3

That policy shall be designed to contribute, on differing terms as necessary—

- (a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;
- (b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;
- (c) to the human, social and cultural advancement of workers; and
- (d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

Article 4

The policy shall take account of the stage of development and the particular needs of the country and of different sectors of activity, and shall be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

Article 5

The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

Article 6

The public authorities, employers' and workers' organizations, and institutions or bodies providing education and training shall be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

Article 7

The financing of arrangements for paid educational leave shall be on a regular and adequate basis and in accordance with national practice.

Article 8

Paid educational leave shall not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

Article 9

As necessary, special provisions concerning paid educational leave shall be established—

- (a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;
- (b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that workers in these undertakings would not be excluded from the benefit of paid educational leave.

Article 10

Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for—

- (a) training at any level;
- (b) general, social or civic education; or
- (c) trade union education.

Article 11

A period of paid educational leave shall be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 14

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 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 16

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 17

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 18

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 14 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 19

The English and French versions of the text of this Convention are equally authoritative.

INTERNATIONAL LABOUR CONFERENCE

Convention 141

CONVENTION CONCERNING ORGANIZATIONS OF RURAL WORKERS AND THEIR ROLE IN ECONOMIC AND SOCIAL DEVELOPMENT

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 Sixtieth Session on 4th June, 1975, and

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

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

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

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

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

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

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

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

Having determined that these proposals shall take the form of an international Convention,

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

Article 1

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

Article 2

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

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

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

Article 3

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

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

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

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

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

Article 4

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

Article 5

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

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

Article 6

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

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 9

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 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 denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 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 him in accordance with the provisions of the preceding Articles.

Article 12

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 13

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 9 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 14

The English and French versions of the text of this Convention are equally authoritative.

INTERNATIONAL LABOUR CONFERENCE

Convention 142

**CONVENTION CONCERNING VOCATIONAL GUIDANCE AND
VOCATIONAL TRAINING IN THE DEVELOPMENT OF
HUMAN RESOURCES**

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 Sixtieth Session on 4th June, 1975, and

Having decided upon the adoption of certain proposals with regard to human resources development: vocational guidance and vocational training, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Human Resources Development Convention, 1975:

Article 1

1. Each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.

2. These policies and programmes shall take due account of—

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

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

4. The policies and programmes shall be designed to improve the ability of the individual to understand and, individually or collectively, to influence the working and social environment.

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

Article 2

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

Article 3

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

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

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

Article 4

Each Member shall gradually extend, adapt and harmonize 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' organizations and, as appropriate and in accordance with national law and practice, with other interested bodies.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 8

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 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 10

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 11

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 12

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 8 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 13

The English and French versions of the text of this Convention are equally authoritative.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 145

RECOMMENDATION CONCERNING THE SOCIAL REPERCUSSIONS OF NEW METHODS OF CARGO HANDLING IN DOCKS

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 Fifty-eighth Session on 6th June, 1973, and

Considering that important changes have taken place and are taking place in cargo-handling methods in docks—such as the adoption of unit loads, the introduction of roll-on roll-off techniques and the increase of mechanization and automation—and in the pattern of movement of freight, and that such changes are expected to become more widespread in the future, and

Considering that such changes, by speeding up freight movements, reducing the time spent by ships in ports and lowering transport costs, may benefit the economy of the country concerned as a whole and contribute to the raising of the standard of living, and

Considering that such changes also involve considerable repercussions on the level of employment in ports and on the conditions of work and life of dockworkers, and that measures should be adopted to prevent or to reduce the problems consequent thereon, and

Considering that dockworkers should share in the benefits secured by the introduction of new methods of cargo handling and that, accordingly, action for the lasting improvement of their situation, by such means as regularization of employment and stabilization of income, and other measures relating to their conditions of work and life, as well as to safety and health aspects of dock work, should be planned and taken concurrently with the planning and introduction of new methods, and

Having decided upon the adoption of certain proposals with regard to social repercussions of new methods of cargo handling (docks), which is the fifth item on the agenda of the session, and

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

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

I.—SCOPE AND DEFINITIONS

1. Except as otherwise provided in paragraph 36, this Recommendation applies to persons who are regularly available for work as dockworkers and who depend on their work as such for their main annual income.

2. For the purpose of this Recommendation the terms "dockworkers" and "dock work" mean persons and activities defined as such by national law or practice. The organizations of employers and workers concerned should be consulted on or otherwise participate in the establishment and revision of such definitions. Account should be taken in this connection of new methods of cargo handling and their effect on the various dockworker occupations.

II.—THE IMPACT OF CHANGES IN CARGO-HANDLING METHODS

3. In each country and, as appropriate, each port, the probable impact of changes in cargo-handling methods, including the impact on the employment opportunities for, and the conditions of employment of, dockworkers, as well as on the occupational structure in ports, should be regularly and systematically assessed, and the action to be taken in consequence systematically reviewed, by bodies in which representatives of the organizations of employers and workers concerned and, as appropriate, of the competent authorities participate.

4. The introduction of new methods of cargo handling and related measures should be co-ordinated with national and regional development and manpower programmes and policies.

5. For the purpose set out in paragraphs 3 and 4, all relevant information should be collected continuously, including in particular—

- (a) statistics of freight movement through ports, showing the methods of handling used;
- (b) flow charts showing the origin and the destination of the main streams of freight handled, as well as the points of assembly and dispersion of the contents of containers and other unit loads;
- (c) estimates of future trends, if possible similarly presented;
- (d) forecasts of manpower required in ports to handle cargo, taking account of future developments in methods of cargo handling and in the origin and destination of the main streams of freight.

6. As far as possible, each country should adopt those changes in the methods of handling cargo which are best suited to its economy, having regard in particular to the relative availability of capital, especially foreign exchange, and of labour, and to inland transport facilities.

III.—REGULARIZATION OF EMPLOYMENT AND INCOME

A.—Permanent or Regular Employment

7. In so far as practicable, permanent or regular employment should be provided for all dockworkers.

B.—Guarantees of Employment or Income

8. (1) Where permanent or regular employment is not practicable, guarantees of employment and/or income should be provided, in a manner and to an extent depending on the economic and social situation of the country and port concerned.

(2) These guarantees might include any or all of the following—

(a) employment for an agreed number of hours or shifts per year, per month or per week, or pay in lieu thereof;

(b) attendance money, payable for being present at calls or otherwise available for work when no employment is obtained, under a scheme to which no financial contribution from the dockworkers is required;

(c) unemployment benefit when no work is available.

9. Positive steps should be taken by all concerned to avert or minimize as far as possible any reduction of the workforce, without prejudice to the efficient conduct of dock work operations.

10. Adequate provision should be made for giving dockworkers financial protection in case of unavoidable reduction of the workforce by such means as—

(a) unemployment insurance or other forms of social security;

(b) severance allowance or other types of separation benefits paid by the employers;

(c) such combination of benefits as may be provided for by national laws or regulations, or collective agreements.

C.—Registration

11. Registers should be established and maintained for all occupational categories of dockworkers, in a manner determined by national law or practice, in order to—

(a) prevent the use of supplementary labour when the work available is insufficient to provide an adequate livelihood to dockworkers;

(b) operate schemes for the regularization of employment or stabilization of earnings and for the allocation of labour in ports.

12. The number of specialized categories should be reduced and their scope altered as the nature of the work changes and as more dockworkers become able to carry out a greater variety of tasks.

13. The distinction between work on board ship and work on shore should be eliminated, where possible, with a view to achieving greater interchangeability of labour, flexibility in allocation and efficiency in operations.

14. Where permanent or regular employment is not available for all dockworkers, the registers should take the form of either—

(a) a single register; or

(b) separate registers for—

(i) those in more or less regular employment;

(ii) those in a reserve pool.

15. No person should normally be employed as a dockworker unless he is registered as such. Exceptionally, when all available registered dockworkers are employed, other workers may be engaged.

16. The registered dockworker should make himself available for work in a manner determined by national law or practice.

D.—Adjusting the Strength of the Registers

17. The strength of the registers should be periodically reviewed by the parties concerned, so as to achieve levels adequate, but not more than adequate, to the needs of the port. In such reviews, account should be taken of all relevant factors and in particular the long-term factors such as the changing methods of cargo handling and changing trends in trade.

18. (1) Where the need for particular categories of dockworkers decreases, every effort should be made to retain the workers concerned in jobs within the port industry by retraining them for work in other categories; the retraining should be provided well in advance of any anticipated change in the methods of operation.

(2) If reduction in the over-all strength of a register becomes unavoidable, all necessary efforts should be made to help dockworkers to find employment elsewhere through the provision of retraining facilities and the assistance of the public employment services.

19. (1) In so far as practicable, any necessary reduction in the strength of a register should be made gradually and without recourse to termination of employment. In this respect, experience with personnel planning techniques at the level of the undertaking can be usefully applied to ports.

(2) In determining the extent of the reduction, regard should be had to such means as—

(a) natural wastage;

(b) cessation of recruitment, except for workers with special skills for which dockworkers already registered cannot be trained;

- (c) exclusion of men who do not derive their main means of livelihood from dock work;
- (d) reducing the retirement age or facilitating voluntary early retirement by the grant of pensions, supplements to state pensions, or lump-sum payments;
- (e) permanent transfer of dockworkers from ports with excess of dockworkers to ports with shortage of such workers, wherever the situation warrants and subject to collective agreements and to the agreement of the workers concerned.

(3) Termination of employment should be envisaged only after due regard has been had to the means referred to in subparagraph (2) of this paragraph and subject to whatever guarantees of employment may have been given. It should be based as far as possible on agreed criteria, should be subject to adequate notice, and should be accompanied by payments as set out in paragraph 10.

E.—Allocation

20. Except where permanent or regular employment with a particular employer exists, systems of allocation should be agreed upon which—

- (a) subject to the provisions of paragraphs 11, 15 and 17, provide each employer with the labour required to secure a quick turn-round of ships, or, in case of shortage, a fair share of such labour consistent with any established system of priorities;
- (b) provide each registered dockworker with a fair share of available work;
- (c) reduce to a minimum the necessity for attending calls for selection and allocation to a job and the time required for this purpose;
- (d) ensure that, so far as practicable and subject to the necessary rotation of shifts, dockworkers complete a task begun by them.

21. Subject to conditions to be prescribed by national laws or regulations or collective agreements, the transfer of dockworkers in the regular employment of one employer to temporary work with another should be permitted when required.

22. Subject to conditions to be prescribed by national laws or regulations or collective agreements, the temporary transfer of dockworkers on a voluntary basis from one port to another should be permitted when required.

IV.—LABOUR-MANAGEMENT RELATIONS

23. Discussions and negotiations between employers and workers concerned should aim not merely at settlement of current issues such as wages and conditions of work, but at an over-all arrangement encompassing the various social measures required to meet the impact of new methods of cargo handling.

24. The existence of organizations of employers and of dockworkers established in accordance with the principles of the Freedom of Association and Protection of the Right to Organize Convention, 1948, and the Right to Organize and Collective Bargaining Convention, 1949, able freely to enter into negotiations and to ensure the execution of agreements arrived at, should be recognized as being important for this purpose.

25. Where it does not already exist, appropriate joint industrial machinery should be set up with a view to creating a climate of confidence and co-operation between dockworkers and employers in which social and technical change can be brought about without tension or conflict and grievances promptly settled in accordance with the Examination of Grievances Recommendation, 1967.

26. Employers' and workers' organizations, together as appropriate with the competent authorities, should participate in the application of the social measures required, and in particular in the operation of schemes for the regularization of employment or stabilization of earnings.

27. Effective policies of communication between employers and dockworkers and between the leaders of workers' organizations and their members should be established in accordance with the Communications within the Undertaking Recommendation, 1967, and implemented by all possible means at all levels.

V.—ORGANIZATION OF WORK IN PORTS

28. In order to secure the greatest social advantage of new methods of cargo handling, agreements should be concluded between employers or their organizations, on the one hand, and workers' organizations, on the other hand, with a view to their co-operation in improving the efficiency of work in ports, with the participation, as appropriate, of the competent authorities.

29. The measures to be covered by such agreements might include—

- (a) the use of scientific knowledge and techniques concerning the work environment with particular reference to conditions in ports;
- (b) comprehensive vocational training schemes, including training in safety measures;
- (c) mutual efforts to eliminate outdated practices;
- (d) increased flexibility in the deployment of dock labour between hold and hold, ship and ship, and ship and shore, and between shore jobs;
- (e) recourse, where necessary, to shift work and weekend work;
- (f) work organization and training designed to enable dockworkers to carry out several related tasks;
- (g) the adaptation of the strength of gangs to agreed needs, with due regard to the necessity of ensuring reasonable rest periods;

- (h) mutual efforts to eliminate unproductive time as far as practicable;
- (i) provision for the effective use of mechanical equipment, subject to the observance of relevant safety standards and the weight restrictions required by the certified safe working capacity of the machine.

30. Such measures should be accompanied by agreements concerning the regularization of employment or stabilization of earnings and by the improvements in conditions of work referred to in the Following Part of this Recommendation.

VI.—CONDITIONS OF WORK AND LIFE

31. Laws and regulations concerning safety, health, welfare and vocational training applicable to industrial undertakings should be effectively applied in ports, with such technical variations as may be necessary; there should be adequate and qualified inspection services.

32. Standards as regards hours of work, weekly rest, holidays with pay and similar conditions should be not less favourable for dockworkers than for the majority of workers in industrial undertakings.

33. Measures should be adopted in regard to shift work, which include—

- (a) not placing the same worker on consecutive shifts, except within limits established by national laws or regulations or collective agreements;
- (b) special compensation for the inconvenience caused to the worker by shift work, including weekend work;
- (c) fixing an appropriate maximum duration and an appropriate timing of shifts, regard being had to local circumstances.

34. Where new methods of cargo handling are introduced and where tonnage rates or other forms of payment by results are in use, steps should be taken to review and, where necessary, revise the methods and the scales of pay. Where possible, the earnings of the dockworkers should be improved as a result of the introduction of the new methods of cargo handling.

35. Appropriate pension and retirement schemes should be introduced where they do not already exist.

VII.—MISCELLANEOUS PROVISIONS

36. Appropriate provisions of this Recommendation should, as far as practicable, also be applied to occasional and to seasonal dockworkers in accordance with national law and practice.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 148

RECOMMENDATION CONCERNING PAID EDUCATIONAL LEAVE

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 Fifty-ninth Session on 5th June, 1974, and

Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

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

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

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Recommendation, which may be cited as the Paid Educational Leave Recommendation, 1974:

I.—DEFINITION

1. In this Recommendation, the term "paid educational leave" means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

II.—FORMULATION OF POLICY AND METHODS OF IMPLEMENTATION

2. Each Member should formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of—

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

3. That policy should be designed to contribute, on differing terms as necessary—

- (a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;

- (b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;

- (c) to the human, social and cultural advancement of workers; and

- (d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

4. (1) The policy should take account of the stage of development and the particular needs of the country and of different sectors of activity, of other social objectives, and of national priorities.

(2) It should be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

5. The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

6. It should be recognized that paid educational leave is not a substitute for adequate education and training early in life and that it is only one of a variety of means for continuing education and training.

III.—MEASURES FOR PROMOTION OF PAID EDUCATIONAL LEAVE

7. The public authorities, employers' and workers' organizations, and institutions or bodies providing education and training should be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

8. Measures should be taken, on the basis of plans adapted to the aims of the policy—

- (a) to ascertain the current and future education and training needs of workers which may be met by paid educational leave;
- (b) to make full use of all available education and training facilities, and to establish new facilities to meet the education and training purposes of paid educational leave;
- (c) to take account in teaching methods and education and training programmes of the objects and the terms of paid educational leave, which reflect new needs;
- (d) to encourage workers to make the best use of education and training facilities available to them;
- (e) to encourage employers to grant paid educational leave to workers.

9. There should be adequate systems of information and guidance regarding possibilities of paid educational leave.

10. Adequate arrangements should be made to ensure that the education and training provided are of appropriate quality.

IV.—FINANCING

11. The financing of arrangements for paid educational leave should be on a regular and adequate basis and in accordance with national practice.

12. It should be recognized that—

- (a) employers, collectively or individually,
- (b) public authorities and educational or training institutions or bodies, and
- (c) employers' and workers' organizations,

may be expected to contribute to the financing of arrangements for paid educational leave according to their respective responsibilities.

V.—CONDITIONS FOR GRANTING OF PAID EDUCATIONAL LEAVE

13. Paid educational leave should not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

14. Workers should remain free to decide in which education or training programmes they wish to participate.

15. As necessary, special provisions concerning paid educational leave should be established—

(a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;

(b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that workers in these undertakings would not be excluded from the benefit of paid educational leave.

16. Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for—

(a) training at any level;

(b) general, social or civic education; or

(c) trade union education.

17. (1) In determining conditions of eligibility, account should be taken of the types of education or training programmes available and of the needs of workers and their organizations and of undertakings, as well as of the public interest.

(2) As regards paid educational leave for trade union education, the workers' organizations concerned should have the responsibility for selection of candidates.

(3) The manner in which workers who satisfy the conditions of eligibility are granted paid educational leave should be agreed upon between undertakings or the employers' organizations concerned and the workers' organizations concerned so as to ensure the efficient continuing operation of the undertakings in question.

18. (1) Where trade union education programmes are carried out by the trade union organizations themselves, they should have the responsibility for planning, approval and implementation of the programmes.

(2) Where such programmes are carried out by other educational institutions or bodies, they should be established in agreement between those bodies and the trade union organizations concerned.

19. As required by national or local circumstances or by the circumstances of an undertaking, priority in the granting of paid educational leave should be given to particular categories of workers, or particular occupations or functions, which have especially urgent education or training needs.

20. The financial entitlements of workers during paid educational leave should—

(a) maintain their level of earnings by continued payment of their wages and other benefits, or by adequate compensation therefor, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice;

(b) take account of any major additional costs of education or training.

21. A period of paid educational leave should be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards, or such other means as may be consistent with national practice.

Recommendation 149

RECOMMENDATION CONCERNING ORGANIZATIONS OF RURAL WORKERS AND THEIR ROLE IN ECONOMIC AND SOCIAL DEVELOPMENT

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 Sixtieth Session on 4th June, 1975, and

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

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

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

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

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

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

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

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

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

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

I.—GENERAL PROVISIONS

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

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

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

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

(a) permanently employ workers; or

(b) employ a substantial number of seasonal workers; or

(c) have any land cultivated by sharecroppers or tenants.

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

II.—ROLE OF ORGANIZATIONS OF RURAL WORKERS

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

5. Such organizations should, as appropriate, be able to—

- (a) represent, further and defend the interests of rural workers, for instance by undertaking negotiations and consultations at all levels on behalf of such workers collectively;
- (b) represent rural workers in connection with the formulation, implementation and evaluation of programmes of rural development and at all stages and levels of national planning;
- (c) involve the various categories of rural workers, according to the interests of each, actively and from the outset in the implementation of—
 - (i) programmes of agricultural development, including the improvement of techniques of production, storing, processing, transport and marketing;
 - (ii) programmes of agrarian reform, land settlement and land development;
 - (iii) programmes concerning public works, rural industries and rural crafts;
 - (iv) rural development programmes, including those implemented with the collaboration of the United Nations, the International Labour Organization and other specialized agencies;
 - (v) the information and education programmes and other activities referred to in paragraph 15 of this Recommendation;
- (d) promote and obtain access of rural workers to services such as credit, supply, marketing and transport as well as to technological services;
- (e) play an active part in the improvement of general and vocational education and training in rural areas as well as in training for community development, training for co-operative and other activities of rural workers' organizations and training for the management thereof;
- (f) contribute to the improvement of the conditions of work and life of rural workers, including occupational safety and health;
- (g) promote the extension of social security and basic social services in such fields as housing, health and recreation.

III.—MEANS OF ENCOURAGING THE GROWTH OF ORGANIZATIONS OF RURAL WORKERS

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

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

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

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

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

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

A.—Legislative and Administrative Measures

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

(2) In particular—

- (a) the principles of right of association and of collective bargaining, in conformity especially with the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organize Convention, 1948, and the Right to Organize and

Collective Bargaining Convention, 1949, should be made fully effective by the application to the rural sector of general laws or regulations on the subject, or by the adoption of special laws or regulations, full account being taken of the needs of all categories of rural workers;

(b) relevant laws and regulations should be fully adapted to the special needs of rural areas; for instance—

(i) requirements regarding minimum membership, minimum levels of education and minimum funds should not be permitted to impede the development of organizations in rural areas where the population is scattered, ill educated and poor;

(ii) problems which may arise concerning the access of organizations of rural workers to their members should be dealt with in a manner respecting the rights of all concerned and in accordance with the terms of the Freedom of Association and Protection of the Right to Organize Convention, 1948, and the Workers' Representatives Convention, 1971;

(iii) there should be effective protection of the rural workers concerned against dismissal and against eviction which are based on their status or activities as leaders or members of rural workers' organizations.

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

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

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

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

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

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

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

B.—Public Information

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

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

15. These steps might include—

- (a) mass information and education campaigns, especially with a view to giving rural workers full and practical information on their rights, so that they may exercise them as necessary;
- (b) radio, television and cinema programmes, and periodic articles in the local and national press, describing the conditions of life and work in rural areas and explaining the aims of rural workers' organizations and the results obtained by their activities;
- (c) the organization, locally, of seminars and meetings with the participation of representatives of the various categories of rural workers, of employers and landlords, of other sectors of the population and of local authorities;
- (d) the organization of visits to rural areas of journalists, representatives of employers and workers in industry or commerce, students of universities and schools accompanied by their teachers, and other representatives of the various sectors of the population;
- (e) the preparation of suitable curricula for the various types and levels of schools appropriately reflecting the problems of agricultural production and the life of rural workers.

C.—Education and Training

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

(a) impart to the leaders and members of rural workers' organizations knowledge of—

(i) national laws and regulations and international standards on questions of direct concern to the activity of the organizations, in particular the right of association;

(ii) the basic principles of the establishment and operation of organizations of rural workers;

(iii) questions regarding rural development as part of the economic and social development of the country, including agricultural and handicraft production, storing, processing, transport, marketing and trade;

(iv) principles and techniques of national planning at different levels;

(v) training manuals and programmes which are published or established by the United Nations, the International Labour Organization or other specialized agencies and which are designed for the education and training of rural workers;

(b) improve and foster the education of rural workers in general, technical, economic and social fields, so as to make them better able both to develop their organizations and understand their rights and to participate actively in rural development; particular attention should be paid to the training of wholly or partly illiterate workers through literacy programmes linked with the practical expansion of their activities;

(c) promote programmes directed to the role which women can and should play in the rural community, integrated in general programmes of education and training to which women and men should have equal opportunities of access;

(d) provide training designed particularly for educators of rural workers, to enable them, for example, to help in the development of co-operative and other appropriate forms of servicing activities which would enable organizations to respond directly to membership needs while fostering their independence through economic self-reliance;

(e) give support to programmes for the promotion of rural youth in general.

17. (1) As an effective means of providing the training and education referred to in paragraph 16, programmes of workers' education or adult education, specially adapted to national and local conditions and to the

social, economic and cultural needs of the various categories of rural workers, including the special needs of women and young persons, should be formulated and applied.

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

D.—Financial and Material Assistance

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

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

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Sixtieth Session which was held at Geneva and declared closed the twenty-fifth day of June 1975.

IN FAITH WHEREOF we have appended our signatures this twenty-sixth day of June, 1975.

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

for the Director-General of the International Labour Office:

FRANCIS WOLF,

Legal Adviser

of the International Labour Office.

Recommendation 150

**RECOMMENDATION CONCERNING VOCATIONAL GUIDANCE
AND VOCATIONAL TRAINING IN THE DEVELOPMENT OF
HUMAN RESOURCES**

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 Sixtieth Session on 4th 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 Organization at its Eighteenth Session in 1974 adopted a Recommendation on Technical and Vocational Education, and

Noting that the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization have collaborated closely with a view to ensuring that the instruments of the two Organizations pursue harmonized 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:

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 skills 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 skills 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 Organization 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, accounting 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 under-employment;
- (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 organizations;
- (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 organization 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.

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 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' organizations 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 familiarize 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 under-employed 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 specialized 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) Whenever 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 standardized 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 restandardization, 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 harmonize 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 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 utilize 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) specialization 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 synchronization 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) familiarizing 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 familiarize 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' organizations, 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) Organizational 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 recognized 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 organizations 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 organization 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' organizations, 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' organizations, 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 for 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-employed 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 mechanization, specialization and modernization and the scale on which it is conducted.

(3) Programmes for rural areas should include training in organizing 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 generalizing 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 modernization 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 specializing the activities of undertakings, and the vocational training implications of such extension or specialization;
- (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 for 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, organized 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 modernizing 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 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.

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, organizing, 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 familiarized 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 specialized 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 attitude of different groups of trainees and of specialized training methods.

64. (1) Persons engaged in vocational training for particular branches of economic activity should be familiarized 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 familiarized with the special social and economic problems of these groups.

66. (1) Persons responsible for planning, organizing, 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.

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 skills 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' organizations 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' organizations 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 organization of vocational guidance and vocational training and audio-visual aids and information on appropriate techniques and methods;

- (c) organizing 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 organization, 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 organizations, as well as non-governmental national organizations, 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 organization 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 harmonization 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 harmonization 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.

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 (Seafares) Recommendation, 1970, remain applicable to the categories of persons covered by their terms.

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RECOMMENDATION CONCERNING MIGRANT WORKERS

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 Sixtieth Session on 4th June, 1975, and

Considering that the Preamble of the Constitution of the International Labour Organization 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 organization 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 provisions 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' organizations 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 or 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 organizations 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 organizations 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 subparagraphs, 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 organizations 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 multi-lateral 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 ratification 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 organizations 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 organizations 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, organizations and bodies serving the nationals of the country of employment, including employers' and workers' organizations.

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 organize and encourage the organization, 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 organization 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 authorization 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 authorization 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.

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