



**REPUBLIC OF KENYA**

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*Sessional Paper No. 4 of 1967*

**INTERNATIONAL LABOUR  
ORGANIZATION**

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

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**Five Shillings - 1967**

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## *Sessional Paper No. 4 of 1967*

### **INTERNATIONAL LABOUR ORGANIZATION**

Presentation to the National Assembly of Kenya of seven Conventions and seven Recommendations adopted by the International Labour Conference at its 48th, 49th and 50th 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.

The texts of the Conventions and Recommendations are given in the Appendices I to XIV to this Paper.

*(Appendix I)*

#### **Convention 120**

##### **HYGIENE (COMMERCE AND OFFICES), 1964**

This Convention provides for the regulation, for shop and office workers in every kind of establishment, of the conditions in and under which they work much as the Factories Act Cap. 514 already regulates conditions for welfare, health and safety of factory workers. It applies to (a) trading establishments and (b) to establishments and institutions in which the workers are mainly engaged in office work and in office and commercial departments of other undertakings and institutions (except in so far as these are covered by separate legislation relating to industry, transport, agriculture etc). "Trading Establishments" means those in which the principal activity consists of wholesale or retail buying, selling, exchanging or renting of goods of any kind.

The matters which it deals with are these:—

cleanliness in premises;	seats;
ventilation;	clothes changing, etc., facilities
lighting;	lay-out;
temperature;	protection against toxic or
first-aid facilities;	noxious influences;
drinking water;	noise and vibration.

If the provisions of the Convention were to be accepted and applied in Kenya, legislation would be required over a wide field at present wholly untouched by statutory regulations of this kind (except for the requirement about seats for shop assistants in the Shop Hours Act, Cap. 231, section 7).

The time for statutory regulation to these standards is not yet. It would be quite impossible with the available inspection facilities to enforce any such legislation on the wide range of small shops and offices which would be included. The Government cannot, therefore, ratify this Convention at present.

*(Appendix II)*

#### **Recommendation 120**

##### **HYGIENE (COMMERCE AND OFFICES), 1964**

The scope of the Recommendation is much wider than that of the Convention, it extends also to establishments providing personal services, postal and telecommunications services, newspaper and publishing undertakings, hotels and restaurants, theatres and places of public entertainment and recreational services. Its provisions may be implemented by statute, collective agreements, arbitration

awards, or by other means. The Recommendation goes into considerable detail on all the subjects dealt with in the Convention and deals also with provision of mess rooms, rest rooms, the planning and construction of new buildings, etc. It would be quite impossible with the available inspection facilities to enforce any such legislation, and unreal to expect these standards to be applied yet in the wide range of small shops and offices which have been included. The Government cannot, therefore, accept the Recommendation at present.

*(Appendix III)*

#### **Convention 121**

##### **BENEFITS IN THE CASE OF EMPLOYMENT INJURY, 1964**

Convention No. 121 revises the following Conventions:—

1. No. 12—Workmen's Compensation (Agriculture) Convention 1921
2. No. 17—Workmen's Compensation (Accidents) Convention 1925
3. No. 18—Workmen's Compensation (Occupational Diseases) Convention 1925
4. No. 42—Workmen's Compensation (Occupational Diseases) Convention (Revised) 1934.

Of the above Conventions Kenya has ratified Conventions No. 12 and 17. Convention No. 42 which revises Convention No. 18 has not been ratified by Kenya, the main reasons being that Convention No. 42 includes in its schedule of occupational diseases silicosis and poisoning by mercury or phosphorus which have not been encountered in Kenya and are also not included in the schedule to the Workmen's Compensation Act.

The Convention requires the definition of an "Industrial accident" to include a "commuting accident". The Kenya Workmen's Compensation Act does not include a "commuting accident" as an "Industrial accident" and it is not considered appropriate to amend the Act to include this type of accident. The Government cannot, therefore, at present ratify his Convention.

*(Appendix IV)*

#### **Recommendation 121**

##### **BENEFITS IN THE CASE OF EMPLOYMENT INJURY, 1964**

The Recommendation is much wider in scope than that of the Convention and as is the case in respect of the Convention, the Government cannot accept the Recommendation at present.

*(Appendix V)*

#### **Convention 122**

##### **EMPLOYMENT POLICY**

The Convention requires that each Member country which ratifies the Convention shall declare and pursue as a major goal, an active policy designed to promote full productive and freely chosen employment with a view to stimulating economic growth and development, raising standards of living, meeting manpower requirements and overcoming unemployment and under-employment. The Convention also requires that there should be no discrimination of opportunities for employment on grounds of "race, colour, sex, religion, political opinion, national extraction or social origin". The government is committed to Africanization and has made it quite clear that in engaging people into the public service, preference will be given to qualified candidates who are Kenya citizens. The private sector is also being urged to follow suit. In the circumstances the Government cannot at present ratify the Convention.

(Appendix VI)

**Recommendation 122**

**EMPLOYMENT POLICY**

The Recommendation is much wider in scope than the Convention and likewise, Government cannot accept the Recommendation at present.

(Appendix VII)

**Convention 123**

**MINIMUM AGE FOR ADMISSION TO EMPLOYMENT UNDERGROUND  
IN MINES**

The Convention requires that in no case shall a person less than 16 years of age be employed or work underground in mines. Article 1 of the Convention describes a mine as "any undertaking, whether public or private for the extraction of any substances from under the surface of the earth by means involving the employment of persons underground. The same article also states that employment of persons underground in mines includes "employment or work underground in quarries".

Under section 4 of the Employment of Women, Young Persons and Children Act, Cap. 227 of the Laws of Kenya, the employment of children, whether gainfully or otherwise, in any industrial undertaking, is prohibited. In para. (a) of section 2 of the Act, "Industrial undertaking" is defined as including "mines, quarries and other works for the extraction of minerals from the earth". The definition of a child under the same Act is a "person, male or female, who has not attained the age of 16 years". It will, therefore, be seen that our law complies with this requirement of the Convention.

Article 4 (i) of the Convention requires the provision of appropriate penalties by the competent authorities to ensure the effective enforcement of the Act. Penalties for contravention of the law are laid down in Part IV of the Act.

The Convention also stipulates the records that employers are required to keep. Section 9 of the Employment of Women, Young Persons and Children Act lays down the records to be kept by the employer.

It will thus be observed that our present law covers all the measures described in the Convention and it is, therefore, proposed to ratify the Convention.

(Appendix VIII)

**Recommendation 123**

**EMPLOYMENT OF WOMEN WITH FAMILY RESPONSIBILITIES**

The Recommendation seeks to ensure that women with family responsibilities can exercise the right to work outside their homes without being subject to discrimination of any kind. It also seeks the establishment, particularly in local communities, of plans for the systematic development of child-care services and facilities to meet known needs and preferences.

The Recommendation is very wide in scope and covers other matters such as organization of public transport, harmonization of working hours and hours of schools and child-care facilities, and development of home-aid services.

At our present stage of economic development it is not possible to state when it will be possible to introduce such measures in the country and the Government cannot, therefore, accept the Recommendation.

(Appendix IX)

**Convention 124**

**MEDICAL EXAMINATION OF YOUNG PERSONS FOR FITNESS FOR  
EMPLOYMENT UNDERGROUND IN MINES**

The Convention requires that each member country which ratifies the Convention shall undertake either to maintain an appropriate inspection service for

the purpose of supervising the application of the provisions of the Convention or to satisfy itself that appropriate inspection is carried out and that national laws or regulations shall define the persons responsible for compliance with the provisions of the Convention.

The Convention also requires that a thorough medical examination and a periodic re-examination at intervals of not more than one year, for fitness for employment, shall be required for persons under 21 years of age.

There are no national laws at present which can enable the Government to carry out these obligations and in view of the small scale of mining activities in the country, it is not considered necessary that legislation should be introduced in order to comply with the requirements of the Convention. It would also be impossible, with the available inspection facilities, to enforce such legislation. In the circumstances the Government cannot ratify this Convention at present.

*(Appendix X)*

#### **Recommendation 124**

#### **MINIMUM AGE FOR ADMISSION TO EMPLOYMENT UNDERGROUND IN MINES**

The Recommendation, which supplements Convention No. 123 concerning the same subject is much wider in scope than the Convention.

The Recommendation makes reference to the Convention and proposes that where the minimum age for admission to work underground in mines is less than 16 years, measures should be taken as speedily as possible to raise it to that level. It also suggests that the minimum age should be progressively raised with a view to attaining the minimum of 18 years.

The Recommendation further proposes that persons between the ages of 16 and 18 should be employed underground in mines only for purposes of apprenticeship or other systematic vocational training under conditions determined by the competent authority relating to place of work and occupations permitted and the measures of systematic medical and safety supervision to be applied. It also suggests that these provisions should include employment in surface work with appropriate training, vocational training on the surface, further education and vocational guidance and raising the minimum school-leaving age.

In view of the minimum school-leaving age in this country, the Government cannot aim at the age stipulated in the Recommendation and unless there is considerable development in the field of mineral exploitation in this country, it is unlikely that provision of vocational training by Government would be a practical proposition in the immediate future.

The Government cannot, therefore, accept the Recommendation at present.

*(Appendix XI)*

#### **Convention 125**

#### **FISHERMEN'S CERTIFICATE OF COMPETENCY**

The Convention provides that each member State which ratifies it shall establish standards of qualifications for certificates of competency, entitling a person to perform the duties of skipper, mate or engineer on board a fishing vessel. It excludes ships and boats of less than 25 gross registered tons. It also provides that all fishing vessels to which it applies shall be required to carry a certificated skipper; that all fishing vessels over 100 gross registered tons engaged in operations and areas to be defined by national laws or regulations shall be required to carry a certificated mate.

The conditions laid down in the Convention appear only suited to those countries having developed deep-sea fishing fleets, but at present bear little relation to conditions pertaining in Kenya.

In the circumstances the Government cannot ratify the Convention at present.

*(Appendix XII)*

#### **Recommendation 125**

### **CONDITIONS OF EMPLOYMENT OF YOUNG PERSONS UNDERGROUND IN MINES**

The Recommendation deals mainly with health, safety and welfare, weekly rest, annual holiday with pay and training. The Recommendation states that the employer should, when engaging a young person for employment underground, inform him of the risks of accidents and hazards to health involved in the work, of protective measures and equipment, of regulations regarding safety, and of first-aid methods and that these should be repeated at appropriate intervals.

With regard to leave, the Recommendation requires that young persons should receive an annual holiday with pay of not less than 24 working days (corresponding to four working weeks) for 12 months' service. It also states that the competent authorities should take the necessary measures to ensure that young persons employed or to be employed underground in mines receive systematic vocational training.

It is unlikely that provision of vocational preparatory training by Government would be a practical proposition in the immediate future though it may be that some reputable mining companies may initiate such training in their own interest should the industry develop.

With the present inspection service facilities, it would not be possible to enforce these provisions and in the circumstances the Government cannot at present accept the Recommendation.

*(Appendix XIII)*

#### **Convention 126**

### **ACCOMMODATION ON BOARD FISHING VESSELS**

The Convention provides that the location, means of access, structure, and arrangements of crew accommodation in relation to other space on board ship be such as to ensure adequate security, protection against weather and the sea, the insulation from heat or cold, undue noise, and odours from other parts of the vessels. The Government considers that the provisions bear very little relation to the conditions at present pertaining in Kenya and cannot, therefore, ratify the Convention at present.

*(Appendix XIV)*

#### **Recommendation 126**

### **VOCATIONAL TRAINING OF FISHERMEN**

The Recommendation outlines the basic objectives of Vocational Training of Fishermen, and some of those listed include, to improve the efficiency of the fishing industry and to secure general recognition of the economic and social significance of fishing to the national economy, to provide training and re-training facilities commensurate with the current and projected manpower needs of the fishing industry for all the various fishing occupations.

It also proposes a series of comprehensive measures for the planning and administration of vocational training of fishermen on a national basis, and lists general standards for fishermen's training.

In the absence of an organized deep-sea fishing industry in this country the Government is unable to accept the Recommendation.

## INTERNATIONAL LABOUR CONVENTION 120

## Convention Concerning Hygiene in Commerce and Offices

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 48th Session on 17th June 1964, and

Having decided upon the adoption of certain proposals with regard to hygiene in commerce and offices, which is the fourth item on the agenda of the session, and

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

adopts this 8th day of July of the year 1964 the following Convention, which may be cited as the Hygiene (Commerce and Offices) Convention 1964:

## PART I—OBLIGATIONS OF PARTIES

*Article 1*

This Convention applies to—

- (a) trading establishments;
- (b) establishments, institutions and administrative services in which the workers are mainly engaged in office work;
- (c) in so far as they are not subject to national laws or regulations or other arrangements concerning hygiene in industry, mines, transport or agriculture, any departments of other establishments, institutions or administrative services in which departments the workers are mainly engaged in commerce or office work.

*Article 2*

The competent authority may, after consultation with the organizations of employers and workers directly concerned, where such exist, exclude from the application of all or any of the provisions of this Convention specified classes of the establishments, institutions or administrative services, or departments thereof, referred to in Article 1, where the circumstances and conditions of employment are such that the application to them of all or any of the said provisions would be inappropriate.

*Article 3*

In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Convention applies, the question shall be settled either by the competent authority after consultation with the representative organizations of employers and workers concerned, where such exist, or in any other manner which is consistent with national law and practice.

*Article 4*

Each Member which ratifies this Convention undertakes that it will—

- (a) maintain in force laws or regulations which ensures the application of the General Principles set forth in Part II; and
- (b) ensure that such effect as may be possible and desirable under national conditions is given to the provisions of the Hygiene (Commerce and Offices) Recommendation 1964, or to equivalent provisions.

#### *Article 5*

The laws or regulations giving effect to the provisions of this Convention and any laws or regulations giving such effect as may be possible and desirable under national conditions to the provisions of the Hygiene (Commerce and Offices) Recommendation 1964, or to equivalent provisions, shall be framed after consultation with the representative organizations of employers and workers concerned, where such exist.

#### *Article 6*

1. Appropriate measures shall be taken, by adequate inspection or other means, to ensure the proper application of the laws or regulations referred to in Article 5.

2. Where it is appropriate to the manner in which effect is given to this Convention, the necessary measures in the form of penalties shall be taken to ensure the enforcement of such laws or regulations.

### PART II—GENERAL PRINCIPLES

#### *Article 7*

All premises used by workers, and the equipment of such premises, shall be properly maintained and kept clean.

#### *Article 8*

All premises used by workers shall have sufficient and suitable ventilation, natural or artificial or both, supplying fresh or purified air.

#### *Article 9*

All premises used by workers shall have sufficient and suitable lighting; work places shall, as far as possible, have natural lighting.

#### *Article 10*

As comfortable and steady a temperature as circumstances permit shall be maintained in all premises used by workers.

#### *Article 11*

All work places shall be so laid out and work-stations so arranged that there is no harmful effect on the health of the worker.

#### *Article 12*

A sufficient supply of wholesome drinking water or of some other wholesome drink shall be made available to workers.

#### *Article 13*

Sufficient and suitable washing facilities and sanitary conveniences shall be provided and properly maintained.

#### *Article 14*

Sufficient and suitable seats shall be supplied for workers and workers shall be given reasonable opportunities of using them.



*Article 15*

Suitable facilities for changing, leaving and drying clothing which is not worn at work shall be provided and properly maintained.

*Article 16*

Underground or windowless premises in which work is normally performed shall comply with appropriate standards of hygiene.

*Article 17*

Workers shall be protected by appropriate and practicable measures against substances, processes and techniques which are obnoxious, unhealthy or toxic or for any reason harmful. Where the nature of the work so requires, the competent authority shall prescribe personal protective equipment.

*Article 18*

Noise and vibrations likely to have harmful effects on workers shall be reduced as far as possible by appropriate and practicable measures.

*Article 19*

Every establishment, institution or administrative service, or department thereof, to which this Convention applies shall, having regard to its size and the possible risk—

- (a) maintain its own dispensary or first-aid post; or
- (b) maintain a dispensary or first-aid post jointly with other establishments, institutions or administrative services, or departments thereof; or
- (c) have one or more first-aid cupboards, boxes or kits.

PART III—FINAL PROVISIONS

*Article 20*

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

*Article 21*

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 12 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 12 months after the date on which its ratification has been registered.

*Article 22*

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 its 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 23*

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 24*

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 25*

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 26*

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 22 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 27*

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

*APPENDIX II*

**INTERNATIONAL LABOUR RECOMMENDATION 120**

**Recommendation Concerning Hygiene in Commerce and Offices**

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 48th Session on 17th June 1964, and

Having decided upon the adoption of certain proposals with regard to hygiene in commerce and offices, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, adopts this 8th day of July of the year 1964 the following Recommendation, which may be cited as the Hygiene (Commerce and Offices) Recommendation 1964:

#### I—SCOPE

1. This Recommendation applies to all the following establishments, institutions and administrative services, whether public or private—

- (a) trading establishments;
- (b) establishments, institutions and administrative services in which the workers are mainly engaged in office work, including offices of persons engaged in the liberal professions;
- (c) in so far as they are not included in establishments referred to in paragraph 2 and are not subject to national laws or regulations or other arrangements concerning hygiene in industry, mines, transport or agriculture, any departments of other establishments, institutions or administrative services in which departments the workers are mainly engaged in commerce or office work.

2. This Recommendation also applies to the following establishments, institutions and administrative services—

- (a) establishments, institutions and administrative services providing personal services;
- (b) postal and telecommunications services;
- (c) newspaper and publishing undertakings;
- (d) hotels and boarding houses;
- (e) restaurants, clubs, cafés, and other catering establishments;
- (f) theatres and places of public entertainment and other recreational services.

3. (1) Where necessary, appropriate arrangements should be made to define, after consultation with the representative organizations of employers and workers concerned, the line which separates establishments, institutions or administrative services to which this Recommendation applies from other establishments.

(2) In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Recommendation applies, the question should be settled either by the competent authority after consultation with the representative organizations of employers and workers concerned, or in any other manner which is consistent with national law and practice.

#### II—METHODS OF APPLICATION

4. Having regard to the diversity of national circumstances and practices, effect may be given to the provisions of this Recommendation—

- (a) by national laws or regulations;
- (b) by collective agreement or as otherwise agreed by the employers and workers concerned;
- (c) by arbitration awards; or
- (d) in any other manner approved by the competent authority after consultation with the representative organizations of employers and workers concerned.

### III—MAINTENANCE AND CLEANLINESS

5. All places in which work is carried on, or through which workers may have to pass, or which contain sanitary or other facilities provided for the common use of workers, and the equipment of such places, should be properly maintained.

6. (1) All such places and equipment should be kept clean.

(2) In particular the following should be regularly cleaned—

(a) floors, stairs and passages;

(b) windows used for lighting, and sources of artificial lighting;

(c) walls, ceilings and equipment.

7. Cleaning should be carried out—

(a) by means of raising the minimum amount of dust;

(b) outside working hours, except in particular circumstances or where cleaning during working hours can be effected without disadvantage for the workers.

8. Cloakrooms, lavatories, washstands and, if necessary, other facilities for the common use of workers should be regularly cleaned and periodically disinfected.

9. All refuse and waste likely to give off obnoxious, toxic or harmful substances, or be a source of infection, should be made harmless, removed or isolated at the earliest possible moment; disposal should be in accordance with standards approved by the competent authority.

10. Removal and disposal arrangements for other refuse and waste should be made and sufficient receptacles for such refuse and waste should be provided in suitable places.

### IV—VENTILATION

11. In all places in which work is carried on, or which contain sanitary or other facilities for the common use of workers, there should be sufficient and suitable ventilation, natural or artificial or both, supplying fresh or purified air.

12. In particular—

(a) apparatus ensuring natural or artificial ventilation should be so designed as to introduce a sufficient quantity of fresh or purified air per person and per hour into an area, taking into account the nature and conditions of the work;

(b) arrangements should be made to remove or make harmless, as far as possible, fumes, dust and any other obnoxious or harmful impurities which may be generated in the course of work;

(c) the normal speed of movement of air at fixed work-stations should not be harmful to the health or comfort of the persons working there;

(d) as far as possible and in so far as conditions require, appropriate measures should be taken to ensure that in enclosed premises a suitable hygrometric level in the air is maintained.

13. Where a work place is wholly or substantially air-conditioned, suitable means of emergency ventilation, natural or artificial, should be provided.

### V—LIGHTING

14. In all places in which work is carried on, or through which workers may have to pass or which contain sanitary or other facilities provided for the common use of workers, there should be, as long as the places are likely to be used, sufficient and suitable lighting, natural or artificial, or both.

15. In particular, all practicable measures should be taken—

(a) to ensure visual comfort—

- (i) by openings for natural lighting which are appropriately distributed and of sufficient size;
  - (ii) by a careful choice and appropriate distribution of artificial lighting;
  - (iii) by a careful choice of colours for the premises and their equipment;
- (b) to prevent discomfort or disorders caused by glare, excessive contrasts between light and shade, reflection of light and over-strong direct lighting;
- (c) to eliminate harmful flickering whenever artificial lighting is used.

16. Wherever sufficient natural lighting is reasonably practicable it should be adopted in preference to any other.

17. Suitable standards of natural or artificial lighting for different types of work and premises and various occupations should be fixed by the competent authority.

18. In premises where there are large numbers of workers or visitors, emergency lighting should be provided.

#### VI—TEMPERATURE

19. In all places in which work is carried on, or through which workers may have to pass, or which contain sanitary or other facilities provided for the common use of workers, the best possible conditions of temperature, humidity and movement of air should be maintained, having regard to the nature of work and the climate.

20. No worker should be required to work regularly in an extreme temperature. Accordingly, the competent authority should determine either maximum or minimum standards of temperature, or both, having regard to the climate and to the nature of the establishment, institution or administrative service and of the work.

21. No worker should be required to work regularly in conditions involving sudden variations in temperature which are considered by the competent authority to be harmful to health.

22. (1) No worker should be required to work regularly in the immediate neighbourhood of equipment radiating a large amount of heat or causing an intense cooling of the surrounding air, considered by the competent authority to be harmful to health, unless suitable control measures are taken, the time of the worker's exposure is reduced, or he is provided with suitable protective equipment or clothing.

(2) Fixed or movable screens, deflectors or other suitable devices should be provided and used to protect workers against any large-scale intake of cold or heat, including the heat of the sun.

23. (1) No worker should be required to work at an outdoor sales counter in low temperatures likely to be harmful unless suitable means of warming himself are available.

(2) No worker should be required to work at an outdoor sales counter in high temperatures likely to be harmful unless suitable means of protection against such high temperatures are available.

24. The use of methods of heating or cooling likely to cause harmful or obnoxious fumes in the atmosphere of premises should be forbidden.

25. When work is carried out in a very low or a very high temperature, workers should be given a shortened working day or breaks included in the working hours, or other relevant measures taken.

#### VII—WORKING SPACE

26. (1) All work places should be so laid out and work-stations so arranged that there is no harmful effect on the health of the worker.

(2) Each worker should have sufficient unobstructed working space to perform his work without risk to his health.

27. The competent authority should specify—

(a) the floor area to be provided in enclosed premises for each worker regularly working there;

(b) the minimum unobstructed volume of space to be provided in enclosed premises for each worker regularly working there;

(c) the minimum height of new enclosed premises in which work is to be regularly performed.

#### VIII—DRINKING WATER

28. A sufficient supply of wholesome drinking water or of some other wholesome drink should be made available to workers. Wherever the distribution of running drinking water is practicable, preference should be given to this system.

29. (1) Any containers used to distribute drinking water or any other authorized drink should—

(a) be tightly closed and where appropriate fitted with a tap;

(b) be clearly marked as to the nature of their contents;

(c) not be buckets, tubs or other receptacles with a wide open top (with or without a lid) in which it is possible to dip an instrument to draw off liquid;

(d) be kept clean at all times.

(2) A sufficient number of drinking vessels should be provided and there should be facilities for washing them with clean water.

(3) Cups the use of which is shared by a number of workers should be forbidden.

30. (1) Water which does not come from an officially approved source for the distribution of drinking water should not be distributed as drinking water unless the competent health authority expressly authorizes such distribution and holds periodical inspections.

(2) Any method of distribution other than that practised by the officially approved local supply service should be notified to the competent health authority for its approval.

31. (1) Any distribution of water not fit for drinking should be so labelled at the points where it can be drawn off.

(2) There should be no inter-connexion, open or potential, between drinking water systems and systems of water not fit for drinking.

#### IX—WASHSTANDS AND SHOWERS

32. Sufficient and suitable washing facilities should be provided for the use of workers in suitable places and should be properly maintained.

33. (1) These facilities should, to the greatest possible extent, include washstands, with hot water if necessary, and, where the nature of the work so requires, showers with hot water.

(2) Soap should be made available to workers.

(3) Appropriate products (such as detergents, special cleansing creams or powders) should be made available to workers wherever the nature of the work so requires; the use for personal cleanliness of products harmful to health should be forbidden.

(4) Towels, preferably individual, or other suitable means of drying themselves should be made available to workers. Towels for common use which do not provide a fresh clean portion for each use should be forbidden.

34. (1) Water provided for washstands and showers should not present any health risks.

(2) Where water used in washstands and showers is not fit for drinking, this should be clearly indicated.

35. Separate washing facilities should be provided for men and women, except in very small establishments where common facilities may be provided with the approval of the competent authority.

36. The number of washstands and showers should be fixed by the competent authority having regard to the number of workers and the nature of their work.

#### X—SANITARY CONVENIENCES

37. Sufficient and suitable sanitary conveniences should be provided for the use of workers in suitable places and should be properly maintained.

38. (1) Sanitary conveniences should be so partitioned as to ensure sufficient privacy.

(2) As far as possible sanitary conveniences should be supplied with flushing systems and traps and with toilet paper or some other hygienic means of cleaning.

(3) Appropriately designed receptacles with lids or other suitable disposal units such as incinerators should be provided in sanitary conveniences for women.

(4) As far as possible, conveniently accessible washstands in sufficient number should be provided near conveniences.

39. Separate sanitary conveniences should be provided for men and women, except, with the approval of the competent authority, in establishments where not more than five persons or only members of the employer's family are employed.

40. The number of W.C.s and urinals for men, and of W.C.s for women, should be fixed by the competent authority having regard to the number of workers.

41. Sanitary conveniences should be adequately ventilated and so located as to prevent nuisances. They should not communicate directly with work places, rest rooms or canteens, but should be separated there from by an antechamber or by an open space. Approaches to outdoor conveniences should be roofed.

#### XI—SEATS

42. Sufficient and suitable seats should be supplied for workers and workers should be given reasonable opportunities of using them.

43. To the greatest possible extent, work-stations should be so arranged that workers who work standing may discharge their duties sitting whenever this is compatible with the nature of the work.

44. Seats supplied for workers should be of comfortable design and dimensions, be suited to the work performed, and facilitate good working posture in the interest of the worker's health; if necessary, foot-rests should be supplied for the same purpose.

#### XII—CLOTHING ACCOMMODATION AND CHANGING ROOMS

45. Suitable facilities, such as hangers and cupboards, for changing, leaving and drying clothing which is not worn at work should be provided and properly maintained.

46. Where the number of workers and the nature of their work so require, changing rooms should be provided.

47. (1) Changing rooms should contain—

(a) properly ventilated personal cupboards or other suitable receptacles of sufficient dimensions, which can be locked;

(b) a sufficient number of seats.

(2) Separate compartments for street clothes and working attire should be provided whenever workers are engaged in operations necessitating the wearing of working attire which may be contaminated, heavily soiled, stained or impregnated.

48. There should be separate changing rooms for men and women.

#### XIII—UNDERGROUND AND SIMILAR PREMISES

49. Underground or windowless premises in which work is normally performed should comply with appropriate standards of hygiene laid down by the competent authority.

50. As far as circumstances allow, workers should not be required to work continuously in underground or windowless premises, but should work there in rotation.

#### XIV—OBNOXIOUS, UNHEALTHY OR TOXIC SUBSTANCES, PROCESSES AND TECHNIQUES

51. Workers should be protected by appropriate and practicable measures against substances, processes and techniques which are obnoxious, unhealthy, or toxic or for any reason harmful.

52. In particular—

(a) all appropriate and practicable measures should be taken to replace such substances, processes and techniques by substances, processes and techniques which are not obnoxious, unhealthy or toxic or for any reason harmful, or which are not to the same extent;

(b) the competent authority should encourage and advise on the measures of substitution referred to in clause (a) and, with regard to retail sales, the use of processes and techniques and containers excluding any harmful effects;

(c) where the measures of substitution referred to in clause (a) are not possible, engineering control methods such as enclosure, isolation and ventilation should be used;



- (d) equipment to control or eliminate obnoxious, unhealthy or toxic or for any reason harmful substances should be kept in good repair at all times;
- (e) all appropriate and practicable measures should be taken to protect workers against risks such as those resulting from knocking over, spilling, emanation or splashing of substances which are obnoxious, unhealthy or toxic or for any reason harmful;
- (f) it should be forbidden to smoke, eat, drink or put on make-up when toxic or for any reason harmful substances are handled; food, drink, tobacco or make-up used by workers should not be exposed to contamination from such substances.

53. Receptacles containing dangerous substances should bear—

- (a) a danger symbol which is in accordance with recognized international standards, and, where necessary, defines the nature of the risk;
- (b) the name of the substance or an indication to identify it; and
- (c) as far as possible the essential instructions giving details of the first aid that should be administered if the substance should injure health or cause bodily injury.

54. (1) When, despite the measures taken in pursuance of paragraphs 51 and 52, operations being performed are exceptionally dirty, or involve processes or techniques or the use or handling of substances that are unhealthy, toxic or for any reason harmful, then, depending on the extent and nature of the risks, workers should be adequately protected by protective clothing or such other personal protective equipment or devices as may be necessary.

(2) Such clothing, equipment and devices should include, for example, one or more of the following, depending on the nature of the operation: coats, overalls, aprons, goggles, gloves, hats, helmets, masks, footwear, barrier creams and special powders.

(3) If necessary the competent authority should fix minimum standards of efficiency for personal protective equipment and devices.

(4) Wherever special public health measures or the protection of workers' health necessitate the wearing of protective clothing and other personal protective equipment or devices at work, this clothing and equipment should be supplied, cleaned and maintained at the employer's expense.

55. Where the use of personal protective equipment or devices does not entirely eliminate the effect of substances, processes or techniques which are unhealthy or toxic for any reason harmful, the competent authority should recommend, if necessary, that additional preventive measures be taken.

56. (1) Where necessary a minimum age for employment in work involving such substances, processes and techniques should be laid down by the competent authority.

(2) The competent authority should prescribe medical examinations (initial and periodical) for workers exposed to the effects of substances which are unhealthy or toxic or for any reason harmful.

#### XV—NOISE AND VIBRATION

57. (1) Noise (including sound emissions) and vibrations likely to have harmful effects on workers should be reduced as far as possible by appropriate and practicable measures.

(2) Particular attention should be paid—

- (a) to the substantial reduction of noise and vibrations caused by machinery and sound-producing equipment and devices;
- (b) to the enclosure or isolation of sources of noise or vibrations which cannot be reduced;
- (c) to the reduction of intensity and duration of sound emissions, including musical emissions; and
- (d) to the provision of sound-insulating equipment, where appropriate, to keep the noise of workshops, lifts, conveyors or the street away from offices.

58. If the measures referred to in subparagraph (2) of paragraph 57 prove to be insufficient to eliminate harmful effects adequately—

- (a) workers should be supplied with suitable ear protectors when they are exposed to sound emissions likely to produce harmful effects;
- (b) workers exposed to sound emissions and vibrations likely to produce harmful effects should be granted regular breaks included in the working hours in premises free of such sound emissions and vibrations;
- (c) systems of work distribution or rotation of jobs should be applied where necessary.

#### XVI—METHODS AND PLACE OF WORK

59. Work methods should as far as possible be adopted to the requirements of hygiene and to the physical and mental health and comfort of workers.

60. Appropriate measures should be taken, among others, to ensure that the mechanization of operations or methods of accelerating them do not impose a work rate likely, because of the concentrated attention or rapid improvements required, to produce harmful effects on workers, in particular, physical fatigue or nervous fatigue which causes medically recognizable disorders.

61. Where the conditions of work make it necessary, the competent authority should fix a minimum age for employment in the operations referred to in paragraph 60.

62. In order to prevent harmful effects or to limit them to the greatest possible extent, there should be breaks included in the working hours or, where possible, systems of work distribution or rotation of jobs.

#### XVII—FIRST AID

63. Every establishment, institution or administrative service, or department thereof, to which this Recommendation applies should, having regard to its size and the possible risk—

- (a) maintain its own dispensary or first-aid post; or
  - (b) maintain a dispensary or first-aid post jointly with other establishments, institutions or administrative services, or departments thereof;
- or
- (c) have one or more first-aid cupboards, boxes or kits.

64. (1) The equipment of the dispensaries, and first-aid posts, cupboards, boxes or kits referred to in paragraph 63 should be determined by the competent authority having regard to the number of workers and the nature of the risks.

(2) The contents of first-aid cupboards, boxes or kits should be kept in an aseptic condition and properly maintained, and should be checked at least once every month. These cupboards, boxes or kits should be restocked at such times or, where necessary, immediately after use.

(3) Each first-aid cupboard, box or kit should contain simple and clear instructions regarding the first aid to be given in emergency cases and indicating clearly the name of the person designated in conformity with paragraph 65; all its contents should be carefully labelled.

65. Dispensaries and first-aid posts, cupboards, boxes or kits should at all times be readily accessible and easy to find should be under the charge of a designated person able, as prescribed by the competent authority, to give first aid.

#### XVIII—MESS ROOMS

66. In cases to be determined by the competent authority, mess rooms should be provided for workers.

67. (1) Mess rooms should be provided with sufficient seats and tables.

(2) Within or in the immediate vicinity of mess rooms arrangements for heating meals, cool drinking water and hot water should be available.

(3) Covered waste bins should be provided.

68. (1) Mess rooms should be separate from any place in which there is exposure to toxic substances.

(2) The wearing of contaminated work clothing in mess rooms should be forbidden.

#### XIX—REST ROOMS

69. (1) Where alternative facilities are not available for workers to take temporary rest during working hours, a rest room should be provided, where this is desirable, having regard to the nature of the work and any other relevant conditions and circumstances. In particular, rest rooms should be provided to meet the needs of women workers; of workers engaged on particularly arduous or special work requiring temporary rest during working hours; or of workers employed on broken shifts.

(2) National laws or regulations should, where appropriate, empower the competent authority to require the provision of rest rooms in cases in which this is considered desirable by the competent authority owing to the conditions and circumstances of employment.

70. The facilities so provided should include at least—

(a) a room in which provision suited to the climate is made for relieving discomfort from cold or heat;

(b) adequate ventilation and lighting;

(c) suitable seating facilities in sufficient numbers.

#### XX—PLANNING AND CONSTRUCTION

71. The plans of new buildings designed for use as establishments, institutions and administrative services, or departments thereof, to which this Recommendation applies, and of new installations designed for such use in existing buildings where substantial alterations are to be made, should conform to the greatest possible extent to the provisions of this Recommendation and should, in cases prescribed by national laws or regulations, be submitted for prior approval to the competent authority.

72. The plans contain sufficient information concerning in particular—

(a) the location of work places, movement areas, ordinary and emergency exits and sanitary facilities;

- (b) the dimensions of work places and of emergency exits, doors and windows, with details of the height of window sills;
- (c) the type of floors, walls and ceilings;
- (d) machinery and installations which may emit heat, vapour, gases, dust, odours, light, noise or vibrations in quantities likely to affect adversely the health, safety or comfort of workers, together with the measures proposed to combat such agents;
- (e) the type of heating and lighting used;
- (f) any mechanical ventilation equipment;
- (g) any sound-proofing, damp-proofing and temperature control measures.

73. The competent authority should grant reasonable time limits for any changes that it might require in order to make establishments, institutions and administrative services, or departments thereof, to which this Recommendation applies conform to the provisions of this Recommendation.

74. As far as possible, floors should be so constructed and covered, and walls, ceilings and equipment should be so constructed as not to present any health risks.

75. Adequate means of escape should be provided and properly maintained.

#### XXI—MEASURES AGAINST THE SPREAD OF DISEASES

76. (1) Measures should be taken to prevent the spread of transmissible diseases among persons working within any establishment, institution or administrative service, or department thereof, to which this Recommendation applies, and between workers and the public.

(2) Such measures should include, in particular—

- (a) collective or individual technical and medical preventive measures, including the prevention of infectious diseases and action against insects, rodents and other noxious animals;
- (b) medical supervisory measures.

#### XXII—INSTRUCTION IN HYGIENE MEASURES

77. Measures should be taken to give workers and employers the necessary elementary understanding of the hygiene measures which the workers may be required to take during working hours.

78. (1) Workers should be informed in particular of—

- (a) the health risks inherent in any harmful substances which they may be required to handle or employ, even if these products are little used in the establishment concerned;
- (b) the need to make good use of equipment and devices provided for hygiene and protection.

(2) If full information on hygiene cannot be given in a language understood by the workers; they should at least be informed in such a language of the meaning of important terms, expressions and symbols.

### XXIII—CO-OPERATION IN THE FIELD OF HYGIENE

79. (1) The competent authority, employers and workers should establish mutual contacts, in order to ensure the hygiene of workers in connexion with their work.

(2) The competent authority, in giving effect to the provisions of this Recommendation, should consult with the representative organizations of employers and workers concerned, or, where such do not exist, the representatives of employers and workers concerned.

80. (1) The competent authority should encourage and, if necessary, itself undertake the study of any measures designed to ensure the hygiene of workers in connexion with their work.

(3) Full information and advice on all subjects dealt with in this Recommendation should be available from the competent authority.

81. (1) In establishments, institutions or administrative services, or departments thereof, in respect of which the competent authority deems it desirable having regard to the possible degree of risk, at least one delegate or official for matters of hygiene should be designated.

(2) Hygiene delegates or officials should co-operate closely with employers and workers in eliminating risks to workers' health and to this end should, in particular, keep in touch with employers' and workers' representatives.

(3) In establishments, institutions or administrative services in respect of which the competent authority deems it desirable having regard to the possible degree of risk, a hygiene committee should be set up.

(4) Hygiene committees should endeavour, in particular, to eliminate risks to the health of workers.

82. The competent authority, in collaboration with employers and workers concerned or their representative organizations, should carry out investigations with a view to assembling information regarding diseases likely to arise from work and to perfecting measures to eliminate the causes and conditions which give rise to these diseases.

### XXIV—ENFORCEMENT

83. Appropriate measures should be taken, by adequate inspection or other means, to ensure the proper application of laws, regulations or other provisions concerning hygiene.

84. Where it is appropriate to the manner in which effect is given to this Recommendation, the necessary measures in the form of penalties should be taken to ensure the enforcement of its provisions.

### APPENDIX III

#### INTERNATIONAL LABOUR CONVENTION 121

Convention Concerning Benefits in the Case of Employment Injury  
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 48th Session on 17th June 1964, and  
Having decided upon the adoption of certain proposals with regard to benefits  
in the case of industrial accidents and occupational diseases, which is the  
fifth item on the agenda of the session, and  
Having determined that these proposals shall take the form of an international  
Convention,  
adopts this 8th day of July of the year 1964 the following Convention, which  
may be cited as the Employment Injury Benefits Convention, 1964:

#### *Article 1*

In this Convention—

- (a) the term “legislation” includes any social security rules as well as laws and regulations;
- (b) the term “prescribed” means determined by or in virtue of national legislation;
- (c) the term “industrial undertaking” includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;
- (d) the term “dependent” refers to a state of dependency which is presumed to exist in prescribed cases;
- (e) the term “dependent child” covers—
  - (i) a child under school-leaving age or under 15 years of age, whichever is the higher, and
  - (ii) a child under a prescribed age higher than that specified in subclause (i) and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, on conditions laid down by national legislation: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in subclause (i).

#### *Article 2*

1. A Member whose economic and medical facilities are insufficiently developed may avail itself by a declaration accompanying its ratification of the temporary exceptions provided for in the following Articles: Article 5, Article 9, paragraph 3, clause (b), Article 12, Article 15, paragraph 2, and Article 18, paragraph 3. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization a statement in respect of each exception of which it avails itself—

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

#### *Article 3*

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention—

- (a) Seafarers, including seafishermen,
- (b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of employees when calculating the percentage of employees in compliance with paragraph 2, clause (d), of Article 4, and with Article 5.

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

#### *Article 4*

1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

2. Any Member may make such exceptions as it deems necessary in respect of—

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
- (b) out-workers;
- (c) members of the employer's family living in his house, in respect of their work for him;
- (d) other categories of employees, which shall not exceed in number 10 per cent of all employees other than those excluded under clauses (a) to (c).

#### *Article 5*

Where a declaration provided for in Article 2 is in force, the application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, which shall total in number not less than 75 per cent of all employees in industrial undertakings, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

#### *Article 6*

The contingencies covered shall include the following where due to an employment injury—

- (a) a morbid condition;
- (b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation;
- (c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
- (d) the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.

#### *Article 7*

1. Each Member shall prescribe a definition of "industrial accident", including the conditions under which a commuting accident is considered to be an industrial accident, and shall specify the terms of such definition in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization.

2. Where commuting accidents are covered by social security schemes other than employment injury schemes, and these schemes provide in respect of commuting accidents benefits which, when taken together, are at least equivalent to those required under this Convention, it shall not be necessary to make provision for commuting accidents in the definition of "industrial accident".

#### Article 8

Each Member shall—

- (a) prescribe a list of diseases, comprising at least the diseases enumerated in Schedule I to this Convention, which shall be regarded as occupational diseases under prescribed conditions; or
- (b) include in its legislation a general definition of occupational diseases broad enough to cover at least the diseases enumerated in Schedule I to this Convention; or
- (c) prescribe a list of diseases in conformity with clause (a), complemented by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases not so listed or manifesting themselves under conditions different from those prescribed.

#### Article 9

1. Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of the following benefits:

- (a) medical care and allied benefits in respect of a morbid condition;
- (b) cash benefits in respect of the contingencies specified in Article 6, clauses (b), (c) and (d).

2. Eligibility for benefits may not be made subject to the length of employment, to the duration of insurance or to the payment of contributions: Provided that a period of exposure may be prescribed for occupational diseases.

3. The benefits shall be granted throughout the contingency: Provided that in respect of incapacity for work the cash benefit need not be paid for the first three days—

- (a) where the legislation of a Member provides for a waiting period at the date on which this Convention comes into force, on condition that the Member includes in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization a statement that its reason for availing itself of this provision subsists; or
- (b) where a declaration provided for in Article 2 is in force.

#### Article 10

1. Medical care and allied benefits in respect of a morbid condition shall comprise—

- (a) general practitioner and specialist in-patient and out-patient care, including domiciliary visiting;
- (b) dental care;
- (c) nursing care at home or in hospital or other medical institutions;
- (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances kept in repair and renewed as necessary, and eye-glasses;



- (f) the care furnished by members of such other professions as may at any time be legally recognized as allied to the medical profession, under the supervision of a medical or dental practitioner; and
- (g) the following treatment at the place of work, wherever possible:
  - (i) emergency treatment of persons sustaining a serious accident;
  - (ii) follow-up treatment of those whose injury is slight and does not entail discontinuance of work.

2. The benefits provided in accordance with paragraph 1 of this Article shall be afforded, using all suitable means, with a view to maintaining, restoring or, where this is not possible, improving the health of the injured person and his ability to work and to attend to his personal needs.

#### *Article 11*

1. Any Member which provides medical care and allied benefits by means of a general health scheme or a medical care scheme for employed persons may specify in its legislation that such care shall be made available to persons who have sustained employment injuries on the same terms as to other persons entitled thereto, on condition that the rules on the subject are so designed as to avoid hardship.

2. Any Member which provides medical care and allied benefits by reimbursing expenses may in its legislation make special rules in respect of cases in which the extent, duration or cost of such care exceed reasonable limits, on condition that the rules on the subject are not inconsistent with the purpose stated in paragraph 2 of Article 10 and are so designed as to avoid hardship.

#### *Article 12*

Where a declaration provided for in Article 2 is in force, medical care and allied benefits shall include at least—

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the essential pharmaceutical supplies on prescription by a medical or other qualified practitioner;
- (d) hospitalization, where necessary; and
- (e) wherever possible, emergency treatment at the place of work of persons sustaining an industrial accident.

#### *Article 13*

The cash benefit in respect of temporary or initial incapacity for work shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

#### *Article 14*

1. Cash benefits in respect of loss of earning capacity likely to be permanent or corresponding loss of faculty shall be payable in all cases in which such loss, in excess of a prescribed degree, remains at the expiration of the period during which benefits are payable in accordance with Article 13.

2. In case of total loss of earning capacity likely to be permanent or corresponding loss of faculty, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or which the requirements of Article 20.

3. In case of substantial partial loss of earning capacity likely to be permanent which is in excess of a prescribed degree, or corresponding loss of faculty, the benefit shall be a periodical payment representing a suitable proportion of that provided for in paragraph 2 of this Article.

4. In case of partial loss of earning capacity likely to be permanent which is not substantial but which is in excess of the prescribed degree referred to in paragraph 1 of this Article, or corresponding loss of faculty, the cash benefit may take the form of a lump-sum payment.

5. The degrees of loss of earning capacity or corresponding loss of faculty referred to in paragraphs 1 and 3 of this Article shall be prescribed in such manner as to avoid hardship.

#### *Article 15*

1. In exceptional circumstances, and with the agreement of the injured person, all or part of the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof when the competent authority has reason to believe that such lump sum will be utilized in a manner which is particularly advantageous for the injured person.

2. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

#### *Article 16*

Increments in periodical payments or other supplementary or special benefits, as prescribed, shall be provided for disabled persons requiring the constant help or attendance of another person.

#### *Article 17*

The conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty shall be reassessed, suspended or cancelled by reference to a change in the degree of loss shall be prescribed.

#### *Article 18*

1. The cash benefit in respect of death of the breadwinner shall be a periodical payment to a widow as prescribed, a disabled and dependent widower, dependent children of the deceased and other persons as may be prescribed; this payment shall be calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20: Provided that it shall not be necessary to make provision for a benefit to a disabled and dependent widower where the cash benefits to other survivors are appreciably in excess of those required by this Convention and where social security schemes other than employment injury schemes provide to such widower benefits which are appreciably in excess of those in respect of invalidity required under the Social Security (Minimum Standards) Convention, 1952.

2. In addition, a funeral benefit shall be provided at a prescribed rate which shall not be less than the normal cost of a funeral: Provided that where cash benefits to survivors are appreciably in excess of those required by this Convention the right to funeral benefit may be made subject to prescribed conditions.

3. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraph 1 of this Article may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

#### *Article 19*

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be—

(a) a fitter or turner in the manufacture of machinery other than electrical machinery; or

(b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or

(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or

(d) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27th August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances, if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

10. No periodical payment shall be less than a prescribed minimum amount.

#### *Article 20*

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be—

(a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or

(b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27th August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

8. No periodical payment shall be less than a prescribed minimum amount.

#### *Article 21*

1. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and paragraph 1 of Article 18 shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization, and shall specify any action taken.

#### *Article 22*

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed—

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the employment injury has been caused by a criminal offence committed by the person concerned;
- (e) where the employment injury has been caused by voluntary intoxication or by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care and allied benefits or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and
- (g) as long as the surviving spouse is living with another person as spouse.

2. In the cases and within the limits prescribed, part of the cash benefit otherwise due shall be paid to the dependants of the person concerned.

#### *Article 23*

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. Where a claim is settled by a special tribunal established to deal with employment injury benefit questions or with social security questions in general and on which the persons protected are represented, no right of appeal shall be required.

#### *Article 24*

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions or services concerned in the application of this Convention.

#### Article 25

Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

#### Article 26

1. Each Member shall, under prescribed conditions—

- (a) take measures to prevent industrial accidents and occupational diseases;
- (b) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and
- (c) take measures to further the placement of disabled persons in suitable employment.

2. Each Member shall as far as possible furnish in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization information concerning the frequency and severity of industrial accidents.

#### Article 27

Each Member shall within its territory assure to non-nationals equality of treatment with its own nationals as regards employment injury benefits.

#### Article 28

1. This Convention revises the Workmen's Compensation (Agriculture) Convention, 1921, the Workmen's Compensation (Accidents) Convention, 1925, the Workmen's Compensation (Occupational Diseases) Convention, 1925, and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934.

2. Ratification of this Convention by a Member which is a party the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934, shall, in accordance with Article 8 thereof, *ipso jure* involve the immediate denunciation of that Convention, if and when this Convention shall have come into force, but the coming into force of this Convention shall not close that Convention to further ratification.

#### Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other parts thereof, for the purpose of Article 2 of the said Convention.

#### Article 30

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

#### Article 31

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to Schedule I to this Convention.

2. Such amendments shall take effect in respect of any Member already a party to the Convention when such Member notifies the Director-General of the International Labour Office of its acceptance thereof.

3. Unless the Conference otherwise decides when adopting an amendment, an amendment shall be effective, by reason of its adoption by the Conference, in respect of any Member subsequently ratifying the Convention.

#### *Article 32*

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

#### *Article 33*

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 12 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 12 months after the date on which its ratification has been registered.

#### *Article 34*

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 35*

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 36*

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 37*

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 38

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 34 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 39

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

SCHEDULE I—LIST OF OCCUPATIONAL DISEASES

<i>Occupational diseases</i>	<i>Work involving exposure to risk</i>
1. Pneumoconioses caused by sclerogenetic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Diseases caused by beryllium or its toxic compounds.	”
3. Diseases caused by phosphorus or its toxic compounds.	”
4. Diseases caused by chrome or its toxic compounds.	”
5. Diseases caused by manganese or its toxic compounds.	”
6. Diseases caused by arsenic or its toxic compounds.	”
7. Diseases caused by mercury or its toxic compounds.	”
8. Diseases caused by lead or its toxic compounds.	”
9. Diseases caused by carbon bisulphide.	”
10. Diseases caused by the toxic halogen derivatives of hydrocarbons of the aliphatic series.	”



**SCHEDULE I—LIST OF OCCUPATIONAL DISEASES—(Contd.)**

<i>Occupational diseases</i>	<i>Work involving exposure to risk</i>
11. Diseases caused by benzene or its toxic homologues.	All work involving exposure to the risk concerned.
12. Diseases caused by nitro- and amido-toxic derivatives of benzene or its homologues.	”
13. Diseases caused by ionizing radiations.	All work involving exposure to the action of ionizing radiations.
14. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	All work involving exposure to the risks concerned.
15. Anthrax infection.	Work in connexion with animals infected with anthrax. Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns. Loading and unloading or transport of merchandise which may have been contaminated by animals or animal carcasses infected with anthrax.

**SCHEDULE II—PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES**

<i>Contingency</i>	<i>Standard beneficiary</i>	<i>Percentage</i>
1. Temporary or initial incapacity for work	Man with wife and two children	60
2. Total loss of earning capacity or correspondig loss of faculty	Man with wife and two children	60
3. Death of breadwinner	Widow with two children	50

**INTERNATIONAL STANDARD INDUSTRIAL CLASSIFICATION  
OF ALL ECONOMIC ACTIVITIES**

*(Revised 1958)*

**LIST OF DIVISIONS AND MAJOR GROUPS**

**Major  
group**

**Division**

*Division 0. Agriculture, Forestry, Hunting and Fishing*

01. Agriculture.
02. Forestry and logging.
03. Hunting, trapping and game propagation.
04. Fishing.

*Division 1. Mining and Quarrying*

11. Coal mining.
12. Metal mining.
13. Crude petroleum and natural gas.
14. Stone quarrying, clay and sand pits.
19. Other non-metallic mining and quarrying.

*Divisions 2-3. Manufacturing*

20. Food manufacturing industries, except beverage industries.
21. Beverage industries.
22. Tobacco manufacturers.
23. Manufacture of textiles.
24. Manufacture of footwear, other wearing apparel and made-up textile goods.
25. Manufacture of wood and cork, except manufacture of furniture.
26. Manufacture of furniture and fixtures.
27. Manufacture of paper and paper products.
28. Printing, publishing and allied industries.
29. Manufacture of leather, and leather and fur products, except footwear and other wearing apparel.
30. Manufacture of rubber products.
31. Manufacture of chemicals and chemical products.
32. Manufacture of products of petroleum and coal.
33. Manufacture of non-metallic mineral products, except products of petroleum and coal.
34. Basic metal industries.
35. Manufacture of metal products, except machinery and transport equipment.
36. Manufacture of machinery, except electrical machinery.
37. Manufacture of electrical machinery, apparatus, appliances and supplies.
38. Manufacture of transport equipment.
39. Miscellaneous manufacturing industries.

*Division 4. Construction*

40. Construction.

*Division 5. Electricity, Gas, Water and Sanitary Services*

51. Electricity, gas and steam.
52. Water and sanitary services.

*Division 6. Commerce*

61. Wholesale and retail trade.
62. Banks and other financial institutions.

*Division 6. Commerce—(Contd.)*

- 63. Insurance.
- 64. Real estate.

*Division 7. Transport, Storage and Communication*

- 71. Transport.
- 72. Storage and warehousing.
- 73. Communication.

*Division 8. Services*

- 81. Government services.
- 82. Community services.
- 83. Business services.
- 84. Recreation services.
- 85. Personal services.

*Division 9. Activities Not Adequately Described*

- 90. Activities not adequately described.

**INTERNATIONAL LABOUR RECOMMENDATION 121**

**Recommendation Concerning Benefits in the Case of Employment Injury**

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 48th Session on 17th June 1964, and

Having decided upon the adoption of certain proposals with regard to benefits  
in the case of industrial accidents and occupational diseases, which is the  
fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation  
supplementing the Employment Injury Benefits Convention, 1964,  
adopts this 8th day of July of the year 1964 the following Recommendation, which  
may be cited as the Employment Injury Benefits Recommendation, 1964:

1. In this Recommendation—

- (a) the term "legislation" includes any social security rules as well as laws and regulations;
- (b) the term "prescribed" means determined by or in virtue of national legislation;
- (c) the term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases.

2. Each Member should extend the application of its legislation providing for employment injury benefits, if necessary by stages, to any categories of employees which may have been excepted in virtue of Article 4, paragraph 2, of the Employment Injury Benefits Convention, 1964, from the protection provided for in that Convention.

3. (1) Each Member should, subject to prescribed conditions, secure the provision of employment injury or analogous benefits, if necessary by stages and/or through voluntary insurance, to—

- (a) members of co-operatives who are engaged in the production of goods or the provision of services;
- (b) prescribed categories of self-employed persons, in particular persons owning and actively engaged in the operation of small-scale business or farms;
- (c) certain categories of persons working without pay, which should include—
  - (i) persons in training, undergoing an occupational or trade test or otherwise preparing for their future employment, including pupils and students;
  - (ii) members of volunteer bodies charged with combating natural disasters, with saving lives and property or with maintaining law and order;
  - (iii) other categories of persons not otherwise covered who are active in the public interest or engaged in civic or benevolent pursuits, such as persons volunteering their services for public office, social service or hospitals;
  - (iv) prisoners and other detained persons doing work which has been required or approved by the competent authorities.

(2) The financial resources of voluntary insurance for the categories referred to in subparagraph (1) of this paragraph should not be provided from contributions intended to finance the compulsory schemes for employees.

4. Special schemes applicable to seafarers, including seafishermen, and to public servants should provide benefits in case of an employment injury which are not less favourable than those provided for in the Employment Injury Benefits Convention, 1964.

5. Each Member should under prescribed conditions, treat the following as industrial accidents:

- (a) accidents, regardless of their cause, sustained during working hours at or near the place of work or at any place where the worker would not have been except for his employment;
- (b) accidents sustained within reasonable periods before and after working hours in connexion with transporting, cleaning, preparing, securing, conserving, storing and packing work tools or clothes;
- (c) accidents sustained while on the direct way between the place of work and—
  - (i) the employee's principal or secondary residence; or
  - (ii) the place where the employee usually takes his meals; or
  - (iii) the place where he usually receives his remuneration.

6. (1) Each Member should, under prescribed conditions, regard diseases known to arise out of the exposure to substances or dangerous conditions in processes, trades or occupations as occupational diseases.

(2) Unless proof to the contrary is brought, there should be a presumption of the occupational origin of such diseases where the employee—

- (a) was exposed for at least a specified period; and
- (b) has developed symptoms of the disease within a specified period following termination of the last employment involving exposure.

(3) When prescribing and bringing up-to-date national lists of occupational diseases, Members should give special consideration to any list of occupational diseases which may from time to time be approved by the Governing Body of the International Labour Office.

7. Where national legislation contains a list establishing a presumption of occupational origin in respect of certain diseases, proof should be permitted of the occupational origin of diseases not so listed and of diseases listed when they manifest themselves under conditions different from those establishing a presumption of their occupational origin.

8. Cash benefits in respect of incapacity for work should be paid from the first day in each case of suspension of earnings.

9. The rates of cash benefits in respect of temporary or initial incapacity for work, or in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty, should be—

- (a) not less than two-thirds of the injured person's earnings: Provided that a maximum limit may be prescribed for the rate of benefit or for the earnings taken into account for the calculation of the benefit; or
- (b) where such benefits are provided at flat rates, not less than two-thirds of the average earnings of persons employed in the major group of economic activities with the largest number of economically active male persons.

10. (1) The cash benefit payable by reason of loss of earning capacity likely to be permanent, or corresponding loss of faculty, should take the form of a periodical payment for the duration of such loss in all cases in which the degree of loss equals at least 25 per cent.

(2) In cases in which the degree of loss of earning capacity likely to be permanent, or corresponding loss of faculty, is less than 25 per cent a lump sum may be paid in lieu of a periodical payment. Such lump sum should bear an equitable relationship to periodical payments and should not be less than the periodical payments which would be due in respect of a period of three years.

11. Provision should be made to defray the reasonable cost of the constant help or attendance of another person in cases in which the injured person requires such services; alternatively, the periodical payment should be increased by either a prescribed percentage or a prescribed amount.

12. Where an employment injury entails unemployability or disfigurement and this is not taken fully into account in the evaluation of the loss sustained by the injured person, supplementary or special benefits should be provided.

13. Where the periodical payments made to the surviving spouse and children are less than the maximum amounts prescribed, a periodical payment should be made to the following categories of persons if they were dependent on the deceased for support:

- (a) parents;
- (b) brothers and sisters;
- (c) grandchildren.

14. Where a maximum limit upon the total benefits payable to all the survivors is prescribed, such maximum should be not less than the rate of benefits payable in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty.

15. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and to paragraph 1 of Article 18 of the Employment Injury Benefits Convention, 1964, should be periodically adjusted, taking account of changes in the general level of earnings or the cost of living.

## *APPENDIX V*

### **INTERNATIONAL LABOUR CONVENTION 122**

#### **Convention Concerning Employment Policy**

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 48th Session on 17th June 1964, and

Considering that the Declaration of Philadelphia recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organization provides for the prevention of unemployment and the provision of an adequate living wage, and

Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organization to examine

and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity", and Considering that the Universal Declaration of Human Rights provides that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment", and

Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and

Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and

Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and

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

adopts this 9th day of July of the year 1964 the following Convention, which may be cited as the Employment Policy Convention, 1964:

#### *Article 1*

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

2. The said policy shall aim at ensuring that—

(a) there is work for all who are available for and seeking work;

(b) such work is as productive as possible;

(c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

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

#### *Article 2*

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

(a) decide on and keep under review, within the framework of a co-ordinated economic and social policy, the measures to be adopted for attaining the objectives specified in Article 1;

(b) take such steps as may be needed, including when appropriate the establishment of programmes, for the application of these measures.

### *Article 3*

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

### *Article 4*

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

### *Article 5*

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 12 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 12 months after the date on which its ratification has been registered.

### *Article 6*

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 7*

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 8*

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 9*

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 10

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 6 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 11

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

## APPENDIX VI

### INTERNATIONAL LABOUR RECOMMENDATION 122

#### Recommendation Concerning Employment Policy

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 48th Session on 17th June 1964, and

Considering that the Declaration of Philadelphia recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organization provides for the prevention of unemployment and the provision of an adequate living wage, and

Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organization to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity", and

Considering that the Universal Declaration of Human Rights provides that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment", and

Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and

Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and

Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and

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

adopts this 9th day of July of the year 1964 the following Recommendation, which may be cited as the Employment Policy Recommendation, 1964:

#### I—OBJECTIVES OF EMPLOYMENT POLICY

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

(2) The said policy should aim at ensuring that—

(a) there is work for all who are available for and seeking work;

(b) such work is as productive as possible;

(c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

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

#### II—GENERAL PRINCIPLES OF EMPLOYMENT POLICY

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

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

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

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

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

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

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

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

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

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

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

### III—GENERAL AND SELECTIVE MEASURES OF EMPLOYMENT POLICY

#### *General Considerations*

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

(a) general measures of economic policy; and

(b) selective measures directly connected with the employment of individual workers or categories of workers.

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

#### *General Measures: Long Term*

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

#### *General Measures: Short Term*

11. (1) Measures of a short-term character should be planned and taken to prevent the emergence of general unemployment or under-employment associated

with an inadequate level of economic activity, as well as to counterbalance inflationary pressure associated with a lack of balance in the employment market. At times when these conditions are present or threaten to appear, action should be taken to increase or, where appropriate, to reduce private consumption, private investment and/or government current or investment expenditure.

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

### *Selective Measures*

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

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

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

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

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

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

(2) Such programmes should include—

- (a) the operation of an effective employment service, taking account of the provisions of the Employment Service Convention and Recommendation, 1948;
- (b) the provision or encouragement of training and re-training facilities designed to enable workers to acquire the qualifications needed for lasting employment in expanding occupations, taking account of the provisions of the Vocational Training Recommendation, 1962;
- (c) the co-ordination of housing policy with employment policy, by the provision of adequate housing and community facilities in places where there are job vacancies, and the provision of removal grants for workers and their dependants by the employer or out of public funds.

15. Special priority should be given to measures designed to remedy the serious, and in some countries growing, problem of unemployment among young people. In the arrangements for young persons envisaged in the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, and the Vocational Training Recommendation, 1962, full account

should be taken of the trends of structural change, so as to ensure the development and the use of the capacities of young persons in relation to the changing needs of the economy.

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

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

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

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

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

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

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

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

#### IV—EMPLOYMENT PROBLEMS ASSOCIATED WITH ECONOMIC UNDER-DEVELOPMENT

##### *Investment and Income Policy*

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

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

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

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

#### *Promotion of Industrial Employment*

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

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

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

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

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

26. Measures should be taken—

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

#### *Promotion of Rural Employment*

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

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

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

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

#### *Population Growth*

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

#### V—ACTION BY EMPLOYERS AND WORKERS AND THEIR ORGANIZATIONS

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

(2) In particular, they should—

(a) consult one another, and as appropriate the competent public authorities, employment services or similar institutions, as far in advance as possible, with a view to working out mutually satisfactory adjustments to changes in the employment situation;

(b) study trends in the economic and employment situation, and in technical progress, and propose as appropriate, and in good time, such action by governments and by public and private undertakings as may safeguard within the framework of the general interest the employment security and opportunities of the workers;

(c) promote wider understanding of the economic background, of the reasons for changes in employment opportunities in specific occupations, industries or regions, and of the necessity of occupational and geographical mobility of manpower;

(d) strive to create a climate which, without prejudicing national sovereignty, economic independence or freedom of association, will encourage increased investment from both domestic and foreign sources, with positive effects on the economic growth of the country;

(e) provide or seek the provision of facilities such as training and re-training facilities, and related financial benefits;

(f) promote wage, benefit and price policies that are in harmony with the objectives of full employment, economic growth, improved standards of living and monetary stability, without endangering the legitimate objectives pursued by employers and workers and their organizations; and

(g) respect the principle of equality of opportunity and treatment in employment and occupation, taking account of the provisions of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958.

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

- (a) re-training for other jobs within the undertaking;
- (b) transfers within the undertaking;
- (c) careful examination of, and action to overcome, obstacles to increasing shift work;
- (d) the earliest possible notice to workers whose employment is to be terminated, appropriate notification to public authorities, and some form of income protection for workers whose employment has been terminated, taking account of the provisions of the Termination of Employment Recommendation, 1963.

#### VI—INTERNATIONAL ACTION TO PROMOTE EMPLOYMENT OBJECTIVES

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

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

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

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

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

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



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

(a) advice in regard to employment policy and employment market organization as essential elements in the field of general development planning and programming; and

(b) co-operation in the training of qualified local personnel, including technical personnel and management staff.

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

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

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

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

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

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

#### VII—SUGGESTIONS CONCERNING METHODS OF APPLICATION

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

## SUGGESTIONS CONCERNING METHODS OF APPLICATION

### I—GENERAL AND SELECTIVE MEASURES OF EMPLOYMENT POLICY

1. (1) Each Member should—

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

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

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

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

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

4. Measures designed to stabilize employment may further include—

- (a) fiscal measures in respect of tax rates and investment expenditure;
- (b) stimulation, or restraint, of economic activity by appropriate measures of monetary policy;
- (c) increased, or reduced, expenditure on public works or other public investment of a fundamental nature, for example roads, railways, harbours, schools, training centres and hospitals; Members should plan during periods of high employment to have a number of useful but not postponable public works projects ready to be put into operation in times of recession;
- (d) measures of a more specific character, such as increased government orders to a particular branch of industry in which recession threatens to provoke a temporary decline in the level of activity.

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

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

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

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

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

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

(2) Measures taken to this end may include—

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

- (e) preferential consideration in the allocation of government orders;
  - (f) appropriate efforts to discourage excessive industrial concentration.
- (3) Such measures should have regard to the type of employment which different areas, by reason of their resources, access to markets and other economic factors, are best suited to provide.
- (4) The boundaries of areas which are given special treatment should be defined after careful study of the probable repercussions on other, particularly neighbouring, areas.

## II—EMPLOYMENT PROBLEMS ASSOCIATED WITH ECONOMIC UNDER-DEVELOPMENT

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

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

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

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

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

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

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

- (a) local capital-construction projects, particularly projects conducive to a quick increase in agricultural production, such as small and medium irrigation and drainage works, the construction of storage facilities and feeder roads and the development of local transport;
- (b) land development and settlement;
- (c) more labour-intensive methods of cultivation, expansion of animal husbandry and the diversification of agricultural production;
- (d) the development of other productive activities, such as forestry and fishing;
- (e) the promotion of rural social services, such as education, housing and health services;
- (f) the development of viable small-scale industries and handicrafts in rural areas, such as local processing of agricultural products and manufacture of simple consumers' and producers' goods needed in the area.

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

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

INTERNATIONAL LABOUR CONVENTION 123

**Convention Concerning the Minimum Age for Admission to Employment Underground in Mines**

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 49th Session on 2nd June 1965, and

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

Noting that the Underground Work (Women) Convention, 1935, prohibits in principle the employment of any female, whatever her age, on underground work in any mine, and

Noting that the Minimum Age (Industry) Convention (Revised), 1937, which is applicable to mines, provides that children under the age of 15 years shall not be employed or work in any public or private undertaking, or in any branch thereof, and

Noting that the Convention further specifies that, in respect of employments which by their nature or the circumstances in which they are carried on are dangerous to the life, health or morals of persons employed therein, national laws shall either prescribe or empower an appropriate authority to prescribe a higher age or ages than 15 years for the admission thereto of young persons or adolescents, and

Considering that, in view of the nature of employment underground in mines, international standards establishing a higher age than 15 years for admission to such employment are desirable, and

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

adopts this 22nd day of June of the year 1965 the following Convention, which may be cited as the Minimum Age (Underground Work) Convention, 1965;

*Article 1*

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

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

*Article 2*

1. Persons under a specified minimum age shall not be employed or work underground in mines.

2. Each Member which ratifies this Convention shall specify the minimum age in a declaration appended to its ratification.

3. The minimum age shall in no case be less than 16 years.

### *Article 3*

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

### *Article 4*

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

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

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

4. The employer shall keep, and make available to inspectors, records indicating, in respect of persons who are employed or work underground and who are less than two years older than the specified minimum age—

(a) the date of birth, duly certified wherever possible; and

(b) the date at which the person was employed or worked underground in the undertaking for the first time.

5. The employer shall make available to the workers' representatives, at their request, list of the persons who are employed or work underground and who are less than two years older than the specified minimum age; such lists shall contain the dates of birth of such persons and the dates at which they were employed or worked underground in the undertaking for the first time.

### *Article 5*

The determination of the minimum age to be specified in pursuance of Articles 2 and 3 of this Convention shall be made after consultation with the most representative organizations of employers and workers concerned.

### *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 12 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 12 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 RECOMMENDATION 123

**Recommendation Concerning the Employment of Women with Family Responsibilities**

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 49th Session on 2nd June 1965, and  
 Noting the fact that in many countries women are working outside their homes in increasing numbers as an integral and essential part of the labour force, and

Noting further that many such women have special problems arising out of the need to reconcile their dual family and work responsibilities, and

Noting that many of these problems, though they have particular relevance to the opportunities for employment of women workers with family responsibilities, also confront other workers and can be substantially alleviated by measures affecting all workers, such as the progressive reduction of daily and weekly hours of work, and

Noting further that many of the special problems faced by women with family responsibilities are not problems peculiar to women workers but are problems of the family and of society as a whole, and

Recognizing that continuous social adaptation is required to meet these problems in a manner consistent with the best interests of all concerned, and

Aware of the need for governments and for all public and private organizations concerned to give consideration to these problems in a broad social, economic and legal context, and

Having decided upon the adoption of certain proposals with regard to the employment of women with family responsibilities, which is the fifth item on the agenda of the session, and

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

adopts this 22nd day of June of the year 1965 the following Recommendation, which may be cited as the Employment (Women with Family Responsibilities) Recommendation, 1965:

The Conference recommends that each Member should apply the following provisions as fully and as rapidly as national conditions allow:

## I—GENERAL PRINCIPLE

1. The competent authorities should, in co-operation with the public and private organizations concerned, in particular employers' and workers' organizations, and in accordance with national and local needs and possibilities—

- (a) pursue an appropriate policy with a view to enabling women with family responsibilities who work outside their homes to exercise their right to do so without being subject to discrimination and in accordance with the principles laid down in the Discrimination (Employment and Occupation) Convention, 1958, as well as in other standards relating to women adopted by the International Labour Conference; and
- (b) encourage, facilitate or themselves undertake the development of services to enable women to fulfil their various responsibilities at home and at work harmoniously.

## II—PUBLIC INFORMATION AND EDUCATION

2. The competent authorities should, in co-operation with the public and private organizations concerned, in particular employers' and workers' organizations, take appropriate steps—

- (a) to encourage such consideration of the problems of women workers with family responsibilities as may be necessary to help these workers to become effectively integrated in the labour force on the basis of equal rights;
- (b) to undertake or promote such research as may be necessary and feasible into the various aspects of the employment of women workers with family responsibilities with a view to presenting objective information on which sound policies and measures may be based; and
- (c) to engender broader public understanding of the problems of these workers with a view to developing community policies and a climate of opinion conducive to helping them to meet their family and employment responsibilities.

## III—CHILD-CARE SERVICES AND FACILITIES

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

- (a) to collect and publish adequate statistics on the number of mothers engaged in or seeking employment and on the number and age of their children; and
- (b) to ascertain, through systematic surveys conducted more particularly in local communities, the needs and preferences for child-care arrangements organized outside the family.

4. The competent authorities should, in co-operation with the public and private organizations concerned, take appropriate steps to ensure that child-care services and facilities meet the needs and preferences so revealed; to this end they should, taking account of national and local circumstances and possibilities, in particular—

- (a) encourage and facilitate the establishment, particularly in local communities, of plans for the systematic development of child-care services and facilities; and
- (b) themselves organize as well as encourage and facilitate the provision of adequate and appropriate child-care services and facilities, at reasonable charge or free in case of need, developed along flexible lines and meeting the needs of children of different ages of their working parents.

5. With a view to safeguarding the health and welfare of the child—

- (a) child-care services and facilities of all types should comply with standards laid down and supervised by the competent authorities;
- (b) such standards should prescribe in particular the equipment and hygienic requirements of the services and facilities provided and the number and qualifications of the staff; and

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

6. The competent authorities should, with the co-operation and participation of the public and private organizations concerned, in particular employers' and workers' organizations, help to ensure public understanding and support for efforts made to meet the special needs of working parents in respect of child-care services and facilities.

#### IV—ENTRY AND RE-ENTRY INTO EMPLOYMENT

7. The competent authorities should take all measures in accordance with the Employment Policy Convention, 1964, and the Employment Policy Recommendation, 1964, to enable women with family responsibilities to become or to remain integrated in the labour force as well as to re-enter the labour force.

8. With a view to enabling women with family responsibilities to become integrated in the labour force on a footing of equality, and with a view to facilitating their entry into employment or their re-entry after a comparatively long period of absence, the competent authorities should, in co-operation with the public and private organizations concerned, in particular employers' and workers' organizations, take all measures that may be necessary in the national circumstances—

- (a) to ensure the provision for girls of general education, vocational guidance and vocational training free from any form of discrimination on the ground of sex;
- (b) to encourage girls to obtain a sound vocational preparation as a basis for their future work lives; and
- (c) to convince parents and educators of the need to give girls a sound vocational preparation.

9. (1) The competent authorities should, in co-operation with the public and private organizations concerned and taking account of national needs and possibilities, provide or help to ensure the provision of the services that may be necessary to facilitate the entry into employment of women who have not yet worked, or the re-entry into employment of women who have been out of the employment market for a comparatively long time, owing, in particular, to family responsibilities.

(2) Such services should be organized within the framework of existing services for all workers or, in default thereof, along lines appropriate to national conditions; they should include adequate counselling, information and placement services and provide adequate vocational training and retaining facilities appropriate to the needs of the women concerned and available without distinction as regards age.

(3) The services and facilities should be kept under review in order to ensure that they are properly adapted to the special needs of these women workers and to the changing needs and tendencies of economic and technological development.

10. (1) In the case women who, on account of their family responsibilities arising out of maternity, do not find themselves in a position to return to their employment immediately following exhaustion of the normal period of maternity leave established by law or practice, appropriate measures should be taken to the extent possible to allow them a reasonable further period of leave of absence without relinquishing their employment, all rights resulting from their employment being fully safeguarded.

(2) In case of termination of employment following maternity, the women concerned should be considered for re-employment in accordance with the provisions applicable under the Termination of Employment Recommendation, 1963, to workers whose employment has been terminated owing to a reduction of the work force.

#### V—MISCELLANEOUS PROVISIONS

11. (1) To the extent necessary the public and private organizations concerned, in particular employers, and workers' organizations, should co-operate with the competent authorities and collaborate with each other to take other measures and promote other action to assist women workers to meet their employment and family responsibilities without detriment to their opportunities for employment and promotion.

(2) In this connexion attention should be given, as local needs require and possibilities permit, to matters which have particular relevance for women workers with family responsibilities, such as the organization of public transport, the harmonization of working hours and hours of schools and child-care services or facilities, and the provision at low cost of the facilities required to simplify and lighten household tasks.

12. Particular efforts should be made to develop home-aid services operating under public authority or supervision and providing women workers with family responsibilities, in the event of family need, with qualified assistance at reasonable charge.

#### APPENDIX IX

##### INTERNATIONAL LABOUR CONVENTION 124

##### Convention Concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines

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 49th Session on 2nd June 1965, and

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

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

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

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

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

adopts this 23rd day of June of the year 1965 the following Convention, which may be cited as the Medical Examination of Persons (Underground Work) Convention, 1965:

#### *Article 1*

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

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

#### *Article 2*

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

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

#### *Article 3*

1. The medical examinations provided for in Article 2—

(a) shall be carried out under the responsibility and supervision of a qualified physician approved by the competent authority; and

(b) shall be certified in an appropriate manner.

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

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

#### *Article 4*

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

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

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

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

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

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

#### *Article 5*

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

#### *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 12 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 12 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.

*APPENDIX X*

**INTERNATIONAL LABOUR RECOMMENDATION 124**

**Recommendation Concerning the Minimum Age for Admission to Employment Underground in Mines**

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 49th Session on 2nd June 1965, and Having adopted the Minimum Age (Underground Work) Convention, 1965, and Having decided upon the adoption of certain further proposals with regard to the minimum age for admission to employment underground in mines, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, adopts this 22nd day of June of the year 1965 the following Recommendation, which may be cited as the Minimum Age (Underground Work) Recommendation, 1965:

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

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

2. Where the minimum age for admission to employment or work underground in mines is less than 16 years, measures should be taken as speedily as possible to raise it to that level.

3. (1) The minimum age for admission to employment or work underground in mines should be progressively raised, with a view to attaining a minimum age of 18 years.

(2) Each Member should work towards the objective set forth in subparagraph (1) of this paragraph within the limits of its possibilities, taking into account especially the dangers inherent in employment underground in mines, and also the development of educational facilities, including those for the vocational preparation of future miners, the minimum school-leaving age, the minimum age for admission to other industrial occupations and other relevant factors.

4. Persons between the ages specified for the purpose of the Minimum Age (Underground Work) Convention, 1965, and a higher age to be laid down in each country and not to be less than 18 years should be employed or work underground in mines only—

(a) for purposes of apprenticeship or other systematic vocational training provided under adequate supervision by competent persons with technical knowledge and practical experience of the work; and

(b) under conditions determined by the competent authority relating to the places of work and occupations permitted and the measures of systematic medical and safety supervision to be applied:

Provided that if a young person to whom this paragraph applies has completed apprenticeship or other systematic vocational training, he may, under the conditions provided for in clause (b), be employed underground for purposes other than such training.

5. (1) There should be special provisions concerning the minimum age for employment or work underground in mines—

(a) on certain specified jobs which are harmful to health;

(b) under certain specified conditions which are harmful to health; and

(c) on certain specified jobs which may endanger the safety of the worker and that of other persons.

(2) The competent authority in each country should determine the jobs and conditions in question and should specify a sufficiently high minimum age appropriate to each which in no case should be less than 18 years.



6. (1) Measures should be taken to meet the problems of persons who wish to work in mines but are too young for employment or work underground because the minimum age for admission to such employment or work is higher than the minimum school-leaving age. These measures should be related to or integrated with measures to educate, train and utilize all youth in the country.

(2) The measures to be taken in accordance with subparagraph (1) of this paragraph might include one or more of the following—

- (a) employment in surface work with appropriate training,
- (b) vocational training on the surface designed to prepare the persons concerned for their future occupations;
- (c) further education and vocational guidance;
- (d) raising the minimum school-leaving age.

7. The competent authority in each country should consult the most representative organizations of employers and workers concerned before determining general policies of implementation and before adopting regulations in pursuance of the terms of this Recommendation.

## APPENDIX XI

### INTERNATIONAL LABOUR CONVENTION 125

#### Convention Concerning Fishermen's Certificates of Competency

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 50th Session on 1st June 1966, and

Having decided upon the adoption of certain proposals with regard to fishermen's certificates of competency, which is included in the sixth item on the agenda of the session, and

Noting the provisions of the Officers' Competency Certificate Convention, 1936, which provides that no person shall be engaged to perform or shall perform on board any vessel to which it applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties issued or approved by the public authority of the territory where the vessel is registered, and

Considering that experience has shown that further international standards specifying minimum requirements for certificates of competency for service in fishing vessels are desirable, and

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

adopts this 21st day of June of the year 1966 the following Convention, which may be cited as the Fishermen's Competency Certificates Convention, 1966:

## PART I—SCOPE AND DEFINITIONS

### Article 1

For the purposes of this Convention, the term "fishing vessel" includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters and are registered in a territory for which the Convention is in force, with the exception of—

- (a) ships and boats of less than 25 gross registered tons;
- (b) ships and boats engaged in whaling or similar pursuits;
- (c) ships and boats engaged in fishing for sport or recreation;
- (d) fishery research and fishery protection vessels.

### Article 2

The competent authority may, after consultation with the fishing vessel owners' and fishermen's organizations where such exist, exempt from this Convention fishing vessels engaged in inshore fishing defined by national laws and regulations.

### Article 3

For the purpose of this Convention, the following terms have the meanings hereby assigned to them—

- (a) skipper: any person having command or charge of a fishing vessel;
- (b) mate: any person exercising subordinate command of a fishing vessel, including any person, other than a pilot, liable at any time to be in charge of the navigation of such a vessel;
- (c) engineer: any person permanently responsible for the mechanical propulsion of a fishing vessel.

## PART II—CERTIFICATION

### Article 4

Each Member which ratifies this Convention shall establish standards of qualification for certificates of competency entitling a person to perform the duties of skipper, mate or engineer on board a fishing vessel.

### Article 5

1. All fishing vessels to which this Convention applies shall be required to carry a certificated skipper.

2. All fishing vessels over 100 gross registered tons engaged in operations and areas to be defined by national laws or regulations shall be required to carry a certificated mate.

3. All fishing vessels with an engine power above a level to be determined by the competent authority, after consultation with the fishing vessel owners' and fishermen's organizations where such exist, shall be required to carry a certificated engineer: Provided that the skipper or mate of a fishing vessel may act as engineer in appropriate cases and on condition that he also holds an engineer's certificate.

4. The certificates of skippers, mates or engineers may be full or limited, according to the size, type, and nature and area of operations of the fishing vessel, as determined by national laws or regulations.

5. The competent authority may in individual cases permit a fishing vessel to put to sea without the full complement of certificated personnel if it is satisfied that no suitable substitutes are available and that, having regard to all the circumstances of the case, it is safe to allow the vessel to put to sea.

#### *Article 6*

1. The minimum age prescribed by national laws or regulations for the issue of a certificate of competency shall be not less than—

- (a) 20 years in the case of a skipper;
- (b) 19 years in the case of a mate;
- (c) 20 years in the case of an engineer.

2. For the purpose of service as a skipper or mate in a fishing vessel engaged in inshore fishing and for the purpose of service as an engineer in small fishing vessels with an engine power below a level to be determined by the competent authority after consultation with the fishing vessel owners' and fishermen's organizations, where such exist, the minimum age may be fixed at 18 years.

#### *Article 7*

The minimum professional experience prescribed by national laws or regulations for the issue of a mate's certificate of competency shall be not less than three years' sea service engaged in deck duties.

#### *Article 8*

1. The minimum professional experience prescribed by national laws or regulations for the issue of a skipper's certificate of competency shall be not less than four years' sea service engaged in deck duties.

2. The competent authority may, after consultation with the fishing vessel owners' and fishermen's organizations where such exist, require a part of this period to be served as a certificated mate; where national laws or regulations provide for the issue of different grades of certificates of competency, full and limited, to skippers of fishing vessels, the nature of the qualifying service as a certificated mate or the type of certificate held while performing such qualifying service may vary accordingly.

#### *Article 9*

1. The minimum professional experience prescribed by national laws or regulations for the issue of an engineer's certificate of competency shall be not less than three years' sea service in the engine-room.

2. In the case of a certificated skipper or mate a shorter qualifying period of sea service may be prescribed.

3. In the case of the small fishing vessels referred to in Article 6, paragraph 2, of this Convention, the competent authority may, after consultation with the fishing vessel owners' and fishermen's organizations where such exist, prescribe a qualifying period of sea service of 12 months.

4. Work in an engineering workshop may be regarded as equivalent to sea service for part of the qualifying periods provided for in paragraphs 1 to 3 of this Article.

#### *Article 10*

In respect of persons who have successfully completed an approved training course, the periods of sea service required in virtue of Articles 7, 8 and 9 of this Convention may be reduced by the period of training, but in no case by more than 12 months.

### PART III—EXAMINATIONS

#### *Article 11*

In the examination organized and supervised by the competent authority for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the corresponding duties the candidates shall be required to show knowledge appropriate to the categories and grades of certificates, of such subjects as—

(a) in the case of skippers and mates—

- (i) general nautical subjects, including seamanship, ship-handling and safety of life at sea, and a proper knowledge of the international Regulations for Preventing Collisions at Sea;
- (ii) practical navigation, including the use of electronic and mechanical aids to navigation;
- (iii) safe working practices, including safety in the handling of fishing gear;

(b) in the case of engineers—

- (i) theory, operation, maintenance and repair of steam or internal combustion engines and related auxiliary equipment;
- (ii) operation, maintenance and repair of refrigeration systems, pumps, deck winches and other mechanical equipment of fishing vessels, including the effects on stability;
- (iii) principles of shipboard electric power installations, and maintenance and repair of the electrical machinery and equipment of fishing vessels; and
- (iv) engineering safety precautions and emergency procedures, including the use of life-saving and fire-fighting appliances.

#### *Article 12*

The examinations for certificates of skippers and mates referred to in Article 11, subparagraph (a), of this Convention may also cover the following subjects—

- (a) fishing techniques, including where appropriate the operation of electronic fish-finding devices, and the operation, maintenance and repair of fishing-gear; and
- (b) stowage, cleaning and processing of fish on board.

#### *Article 13*

During a period of three years from the date of the coming into force of national laws or regulations giving effect to the provisions of this Convention, competency certificates may be issued to persons who have not passed an examination referred to in Articles 11 and 12 of this Convention, but who have in fact had sufficient practical experience of the duties corresponding to the certificate in question and have no record of any serious technical error against them.

### PART IV—ENFORCEMENT MEASURES

#### *Article 14*

1. Each Member shall ensure the enforcement of national laws and regulations giving effect to the provisions of this Convention by an efficient system of inspection.

2. National laws or regulations giving effect to the provisions of this Convention shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of these laws or regulations.

#### *Article 15*

1. National laws or regulations giving effect to the provisions of this Convention shall prescribe penalties or disciplinary measures for cases in which these laws or regulations are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

- (a) a fishing vessel owner or his agent, or a skipper, has engaged a person not certificated as required;
- (b) a person has obtained by fraud or forged documents an engagement to perform duties requiring certification without holding the requisite certificate.

#### PART V—FINAL PROVISIONS

##### *Article 16*

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

##### *Article 17*

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 12 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 12 months after the date on which its ratification has been registered.

##### *Article 18*

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 19*

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 20*

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 21*

At such times as it may consider necessary the Government 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 22*

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 18 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 23*

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

*APPENDIX XII*

**INTERNATIONAL LABOUR RECOMMENDATION 125**

**Recommendation Concerning Conditions of Employment of Young Persons  
Underground in Mines**

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 49th Session on 2nd June 1965, and

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

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

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

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

adopts this 23rd day of June of the year 1965 the following Recommendation, which may be cited as the Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965:

**I—DEFINITION**

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

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

## II—METHODS OF IMPLEMENTATION

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

## III—HEALTH, SAFETY AND WELFARE

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

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

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

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

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

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

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

#### IV—WEEKLY REST AND ANNUAL HOLIDAYS WITH PAY

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

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

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

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

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

(2) Public and customary holidays and interruptions of attendance at work due to sickness should not be included in the annual holiday with pay.

12. (1) The employer should be required to keep, and make available to inspectors, records indicating in respect of persons under 18 years of age employed or working underground—

- (a) the date of birth, duly certified wherever possible;
- (b) the periods of weekly rest; and
- (c) the periods of holidays with pay.

(2) The employer should make available to the workers' representatives, at their request, the information mentioned in subparagraph (1) of this paragraph.

#### V—TRAINING

13. In line with the principles set forth in the Vocational Training Recommendation, 1962, the competent authorities should take the necessary measures to ensure that young persons employed or to be employed underground in mines—

- (a) receive systematic vocational training, through apprenticeship or other forms of training appropriate in the national circumstances, in order to ensure adequate preparation for the particular type of work in which they are to be engaged;
- (b) enjoy suitable opportunities for further technical training enabling them to develop their occupational capacities without detriment to their health and welfare, account being taken of national circumstances; and
- (c) are provided with suitable opportunities for further education and training above ground with a view to ensuring their future adaptation to technological change in the mining industry and to developing their human capacities.

#### VI—CONSULTATION

14. The competent authority in each country should consult the most representative organizations of employers and workers concerned before determining general policies of implementation and before adopting regulations in pursuance of the terms of this Recommendation.



## INTERNATIONAL LABOUR CONVENTION 126

**Convention Concerning Accommodation on Board Fishing Vessels**

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 50th Session on 1st June 1966, and

Having decided upon the adoption of certain proposals with regard to accom-  
modation on board fishing vessels, which is included in the sixth item  
on the agenda of the session, and

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

adopts this 21st day of June of the year 1966 the following Convention, which  
may be cited as the Accommodation of Crews (Fishermen) Convention, 1966:

## PART I—GENERAL PROVISIONS

*Article 1*

1. This Convention applies to all sea-going mechanically propelled ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters and are registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when ships and boats are to be regarded as sea-going for the purpose of this Convention.

3. This Convention does not apply to ships and boats of less than 75 tons: Provided that the Convention shall be applied to ships and boats of between 25 and 75 tons where the competent authority determines, after consultation with the fishing-vessel owners' and fishermen's organizations where such exist, that this is reasonable and practicable.

4. The competent authority may, after consultation with the fishing-vessel owners' and fishermen's organizations where such exist, use length instead of tonnage as a parameter for the purposes of this Convention, in which event the Convention does not apply to ships and boats of less than 80 feet (24.4 metres) in length: Provided that the Convention shall be applied to ships and boats of between 45 and 80 feet (13.7 and 24.4 metres) in length where the competent authority determines, after consultation with the fishing-vessel owners' and fishermen's organizations where such exist, that this is reasonable and practicable.

5. This Convention does not apply to—

- (a) ships and boats normally employed in fishing for sport or recreation;
- (b) ships and boats primarily propelled by sail but having auxiliary engines;
- (c) ships and boats engaged in whaling or similar pursuits;
- (d) fishery research and fishery protection vessels.

6. The following provisions of this Convention do not apply to vessels which normally remain away from their home ports for periods of less than 36 hours and in which the crew does not live permanently on board when in port—

- (a) Article 9, paragraph 4;
- (b) Article 10;
- (c) Article 11;

- (d) Article 12;
- (e) Article 13, paragraph 1;
- (f) Article 14;
- (g) Article 16:

Provided that in such vessels adequate sanitary installations as well as messing and cooking facilities and accommodation for resting shall be provided.

7. The provisions of Part III of this Convention may be varied in the case of any vessel if the competent authority is satisfied, after consultation with the fishing-vessel owners' and fishermen's organizations where such exist, that the variations to be made provide corresponding advantages as a result of which the overall conditions are no less favourable than those that would result from the full application of the provisions of the Convention; particulars of all such variations shall be communicated by the Member to the Director-General of the International Labour Office, who shall notify the Members of the International Labour Organization.

#### *Article 2*

In this Convention—

- (a) the term "fishing vessel" or "vessel" means a ship or boat to which the Convention applies;
- (b) the term "tons" means gross registered tons;
- (c) the term "length" means the length measured from the fore part of the steam on the line of the forecastle deck to the after side of the head of the sternpost, or to the foreside of the rudderstock where no sternpost exists;
- (d) the term "officer" means a person other than a skipper ranked as an officer by national laws or regulations or, in the absence of any relevant laws or regulations, by collective agreement or custom;
- (e) the term "rating" means a member of the crew other than an officer;
- (f) the term "crew accommodation" includes such sleeping rooms, mess rooms and sanitary accommodation as are provided for the use of the crew;
- (g) the term "prescribed" means prescribed by national laws or regulations, or by the competent authority;
- (h) the term "approved" means approved by the competent authority;
- (i) the term "re-registered" means re-registered on the occasion of a simultaneous change in the territory of registration and in the ownership of the vessel.

#### *Article 3*

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure the application of the provisions of Parts II, III and IV of this Convention.

2. The laws or regulations shall—

- (a) require the competent authority to bring them to the notice of all persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) provide for the maintenance of a system of inspection adequate to ensure effective enforcement;
- (d) prescribe adequate penalties for any violation thereof;

- (e) require the competent authority to consult periodically the fishing vessel owners' and fishermen's organizations, where such exist, in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

## PART II—PLANNING AND CONTROL OF CREW ACCOMMODATION

### Article 4

Before the construction of a fishing vessel is begun, and before the crew accommodation of an existing vessel is substantially altered or reconstructed, detailed plans of, and information concerning, the accommodation shall be submitted to the competent authority for approval.

### Article 5

1. On every occasion when—

- (a) a fishing vessel is registered or re-registered;
- (b) the crew accommodation of a vessel has been substantially altered or reconstructed; or
- (c) complaint that the crew accommodation is not in compliance with the terms of this Convention has been made to the competent authority, in the prescribed manner and in time to prevent any delay to the vessel, by a recognized fishermen's organization representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the vessel;

the competent authority shall inspect the vessel and satisfy itself that the crew accommodation complies with the requirements of the laws and regulations.

2. Periodical inspections may be held at the discretion of the competent authority.

## PART III—CREW ACCOMMODATION REQUIREMENTS

### Article 6

1. The location, means of access, structure and arrangement of crew accommodation in relation to other spaces shall be such as to ensure adequate security, protection against weather and sea and insulation from heat or cold, undue noise or effluvia from other spaces.

2. Emergency escapes shall be provided from all crew accommodation spaces as necessary.

3. Every effort shall be made to exclude direct opening into sleeping rooms from fish holds and fish meal rooms, from spaces for machinery, from galleys, lamp and paint rooms or from engine, deck and other bulk store rooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.

4. External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated when there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

5. Internal bulkheads shall be of approved material which is not likely to harbour vermin.

6. Sleeping rooms, mess rooms, recreation rooms and passageways in the crew accommodation space shall be adequately insulated to prevent condensation or over-heating.

7. Main steam and exhaust pipes for winches and similar gear shall, whenever technically possible, not pass through crew accommodation or through passageways leading to crew accommodation; where they do pass through such accommodation or passageways they shall be adequately insulated and encased.

8. Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

9. The competent authority shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

10. The wall surface and deckheads in sleeping rooms and mess rooms shall be easily kept clean and, if painted, shall be light in colour; lime wash must not be used.

11. The wall surfaces shall be renewed or restored as necessary.

12. The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

13. Overhead exposed decks over crew accommodation shall be sheathed with wood or equivalent insulation.

14. Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices.

15. Sufficient drainage shall be provided.

16. All practicable measures shall be taken to protect crew accommodation against the admission of flies and other insects.

#### *Article 7*

1. Sleeping rooms and mess rooms shall be adequately ventilated.

2. The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

3. Vessels regularly engaged on voyages in the tropics and other areas with similar climatic conditions shall, as required by such conditions, be equipped both with mechanical means of ventilation and with electric fans: Provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

4. Vessels engaged elsewhere shall be equipped either with mechanical means of ventilation or with electric fans. The competent authority may exempt vessels normally employed in the cold waters of the northern or southern hemispheres from this requirement.

5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 of this Article shall, when practicable, be available at all times when the crew is living or working on board and conditions so required.

#### *Article 8*

1. An adequate system of heating the crew accommodation shall be provided as required by climatic conditions.

2. The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions so require.

3. Heating by means of open fires shall be prohibited.

4. The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the competent authority shall prescribe the standard to be provided.

5. Radiators and other heating apparatus shall be so placed and, where necessary, shielded and fitted with safety devices as to avoid risk of fire or danger or discomfort to the occupants.

#### Article 9

1. All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

2. In all vessels electric lights shall, as far as practicable, be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

3. Artificial lighting shall be so disposed as to give maximum benefit to the occupants of the room.

4. Adequate reading light shall be provided for every berth in addition to the normal lighting of the cabin.

5. A permanent blue light shall, in addition, be provided in the sleeping room during the night.

#### Article 10

1. Sleeping rooms shall be situated amidships or aft; the competent authority may, in particular cases, if the size, type or intended service of the vessel renders any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the vessel, but in no case forward of the collision bulkhead.

2. The floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than—

(a) in vessels of 25 tons but below 50 tons .. .. .	5.4 sq. ft. (0.5 sq. m.)
(b) in vessels of 50 tons but below 100 tons .. .. .	8.1 sq. ft. (0.75 sq. m.)
(c) in vessels of 100 tons but below 250 tons .. .. .	9.7 sq. ft. (0.9 sq. m.)
(d) in vessels of 250 tons or over .. .. .	10.8 sq. ft. (1.0 sq. m.)

3. Where the competent authority decides, as provided for in Article 1, paragraph 4, of this Convention, that length shall be the parameter for this Convention, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than—

(a) in vessels of 45 feet (13.7 m.) but below 65 feet (19.8 m.) in length .. .. .	5.4 sq. ft. (0.5 sq. m.)
(b) in vessels of 65 feet (19.8 m.) but below 88 feet (26.8 m.) in length .. .. .	8.1 sq. ft. (0.75 sq. m.)
(c) in vessels of 88 feet (26.8 m.) but below 115 feet (35.1 m.) in length .. .. .	9.7 sq. ft. (0.9 sq. m.)
(d) in vessels of 115 feet (35.1 m.) in length or over ..	10.8 sq. ft. (1.0 sq. m.)

4. The clear head room in the crew sleeping room shall, wherever possible, be not less than 6 feet 3 inches (1.90 metres).

5. There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department: Provided that the competent authority may relax this requirement in the case of small vessels.

6. The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima:—

(a) officers: one person per room wherever possible, and in no case more than two;

(b) ratings: two or three persons per room wherever possible, and in no case more than the following:

(i) in vessels of 250 tons and over, four persons;

(ii) in vessels under 250 tons, six persons.

7. Where the competent authority decides, as provided for in Article 1, paragraph 4, of this Convention, that length shall be the parameter for this Convention, the number of rating allowed to occupy sleeping rooms shall in no case be more than the following—

(a) in vessels of 115 feet (35.1 m.) in length and over, four persons;

(b) in vessels under 115 feet (35.1 m.) in length, six persons.

8. The competent authority may permit exceptions to the requirements of paragraphs 6 and 7 of this Article in particular cases if the size, type or intended service of the vessel make these requirements unreasonable or impracticable.

9. The maximum number of persons to be accommodated in any sleeping room shall be legibly and indelibly marked in some place in the room where it can conveniently be seen.

10. Members of the crew shall be provided with individual berths.

11. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

12. Berths shall not be arranged in tiers of more than two; in the case of berths placed along the vessel's side, there shall be only a single tier where a sidelight is situated above a berth.

13. The lower berth in a double tier shall not be less than 12 inches (0.30 metre) above the floor; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

14. The minimum inside dimensions of a berth shall wherever practicable be 6 feet 3 inches by 2 feet 3 inches (1.90 metres by 0.68 metre).

15. The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth and not likely to corrode or to harbour vermin.

16. If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

17. Each berth shall be fitted with a spring mattress of approved material or with a spring bottom and a mattress of approved material. Stuffing of straw or other material likely to harbour vermin shall not be used.

18. When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the upper berth.

19. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

20. The furniture shall include a clothes locker for each occupant, fitted with a hasp for a padlock and a rod for holding clothes on hangers. The competent authority shall ensure that the locker is as commodious as practicable.

21. Each sleeping room shall be provided with a table or desk, which may be of the fixed, dropleaf or slide-out type, and with comfortable seating accommodation as necessary.

22. The furniture shall be of smooth, hard material not liable to warp or corrode, or to harbour vermin.

23. The furniture shall include a drawer or equivalent space for each occupant which shall, wherever practicable, be not less than 2 cubic feet (0.056 cubic metre).

24. Sleeping rooms shall be fitted with curtain for the sidelights.

25. Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

26. As far as practicable, berthing of crew members shall be so arranged that watches are separated and that no day-men share a room with watch-keepers.

#### *Article 11*

1. Mess room accommodation separate from sleeping quarters shall be provided in all vessels carrying a crew of more than ten persons. Wherever possible it shall be provided also in vessels carrying a smaller crew; if, however, this is impracticable, the mess room may be combined with the sleeping accommodation.

2. In vessels engaged in fishing on the high seas and carrying a crew of more than 20, separate mess room accommodation may be provided for the skipper and officers.

3. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

4. Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

5. Mess rooms shall be as close as practicable to the galley.

6. Where pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing them shall be provided.

7. The tops of tables and seats shall be of damp-resisting material, without cracks and easily kept clean.

#### *Article 12*

1. Sufficient sanitary accommodation, including washbasins and tub and/or shower baths, shall be provided in all vessels.

2. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall, wherever practicable, be provided for each department of the crew on the following scale—

(a) one tub and/or shower bath for every eight persons or less;

(b) one water closet for every eight persons or less;

(c) one wash basin for every six persons or less;

Provided that when the number of persons in a department exceeds an even multiple of the specified number by less than one-half of the specified number, this surplus may be ignored for the purpose of this paragraph.

3. Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places. The competent authority, in consultation with the fishing-vessel owners' and fishermen's organizations where such exist, may fix the minimum amount of fresh water which shall be supplied per man per day.

4. Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

5. All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

6. The sanitary equipment to be placed in water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

7. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimize the risk of obstruction and to facilitate cleaning. They shall not pass through fresh water or drinking water tanks; neither shall they, if practicable, pass overhead in mess rooms or sleeping accommodation.

8. Sanitary accommodation intended for the use of more than one person shall comply with the following requirements—

(a) floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained;

(b) bulkheads shall be of steel or other approved material and shall be watertight up to at least 9 inches (0.23 metre) above the level of the deck;

(c) the accommodation shall be sufficiently lighted, heated and ventilated;

(d) water closets shall be situated convenient to, but separate from, sleeping rooms and washrooms, without direct access from the sleeping rooms or from a passage between sleeping and water closets to which there is no other access: Provided that this requirement shall not apply where a water closet is located between two sleeping rooms having a total of not more than four persons;

(e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

9. Facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

10. The facilities for washing clothes shall include suitable sinks equipped with drainage which may be installed in washrooms if separate laundry accommodation is not reasonably practicable. The sinks shall be provided with an adequate supply of cold fresh water and hot fresh water or means of heating water.

11. The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms, mess rooms and water closets, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

#### *Article 13*

1. Wherever possible, an isolated cabin shall be provided for a member of the crew who suffers from illness or injury. On vessels of 500 tons or over there shall be a sick bay. Where the competent authority decides, as provided for in Article 1, paragraph 4, of this Convention, that length shall be the parameter for this Convention, there shall be a sick bay on vessels of 150 feet (45.7 metres) in length or over.

2. An approved medicine chest with readily understandable instructions shall be carried in every vessel which does not carry a doctor. In this connexion the competent authority shall give consideration to the Ships' Medicine Chests Recommendation, 1958, and the Medical Advice at Sea Recommendation, 1958.



*Article 14*

Sufficient and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

*Article 15*

Crew accommodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores which are not the personal property of the occupants.

*Article 16*

1. Satisfactory cooking equipment shall be provided on board and shall, wherever practicable, be fitted in a separate galley.

2. The galley shall be of adequate dimensions for the purpose and shall be well lighted and ventilated.

3. The galley shall be equipped with cooking utensils, the necessary number of cupboards and shelves, and sinks and dish racks of rust-proof material and with satisfactory drainage. Drinking water shall be supplied to the galley by means of pipes; where it is supplied under pressure, the system shall contain protection against backflow. Where hot water is not supplied to the galley, an apparatus for heating water shall be provided.

4. The galley shall be provided with suitable facilities for the preparation of hot drinks for the crew at all times.

5. A provision storeroom of adequate capacity shall be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores. Where necessary, refrigerators or other low-temperature storage space shall be provided.

6. Where butane or propane gas is used for cooking purposes in the galley the gas containers shall be kept on the open deck.

PART IV—APPLICATION TO EXISTING SHIPS

*Article 17*

1. Subject to the provisions of paragraphs 2, 3 and 4 of this Article, this Convention applies to vessels the keels of which are laid down subsequent to the coming into force of the Convention for the territory of registration.

2. In the case of a vessel which is fully complete on the date of the coming into force of this Convention for the territory of registration and which is below the standard set by Part III of this Convention, the competent authority may, after consultation with the fishing-vessel owners' and fishermen's organizations where such exist, require such alterations for the purpose of bringing the vessel into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved, to be made when—

(a) the vessel is re-registered;

(b) substantial structural alterations or major repairs are made to the vessel as a result of long-range plans and not as a result of an accident or an emergency.

3. In the case of a vessel in the process of building and/or reconversion on the date of the coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the fishing-vessel owners' and fishermen's organizations where such exist, require such alterations for the purpose of bringing the vessel into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved; such alterations shall constitute final compliance with the terms of this Convention, unless and until the vessel be re-registered.

4. In the case of a vessel, other than such a vessel as is referred to in paragraphs 2 and 3 of this Article or a vessel to which the provisions of this Convention were applicable while she was under construction, being re-registered in a territory after the date of the coming into force of this Convention for that territory, the competent authority may, after consultation with the fishing-vessel owners' and fishermen's organizations where such exist, require such alterations for the purpose of bringing the vessel into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved; such alterations shall constitute final compliance with the terms of this Convention, unless and until the vessel is again re-registered.

#### PART V—FINAL PROVISIONS

##### *Article 18*

Nothing in this Convention shall affect any law, award, custom or agreement between fishing vessel owners and fishermen which ensures more favourable conditions than those provided for by this Convention.

##### *Article 19*

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

##### *Article 20*

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 12 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 12 months after the date on which its ratification has been registered.

##### *Article 21*

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 22*

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 23

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 24

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 25

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 21 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 26

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

### APPENDIX XIV

#### INTERNATIONAL LABOUR RECOMMENDATION 126

##### Recommendation Concerning the Vocational Training of Fishermen

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 15th Session on 1st June 1966, and  
Noting the terms of the Vocational Training Recommendation, 1962, and

Considering that, in application of that instrument, the vocational training of fishermen should be of a standard equivalent to that provided for other trades, occupations and industries, and

Considering further that the basic objects of the vocational training of fishermen should be—

to improve the efficiency of the fishing industry and to secure general recognition of the economic and social significance of fishing to the national economy;

- to encourage the entry into the fishing industry of a sufficient number of suitable persons;
- to provide training and retaining facilities commensurate with the current and projected manpower needs of the fishing industry for all the various fishing occupations;
- to assist the entry into employment of all trainees after completion of their courses;
- to assist trainees in reaching their highest productive and earning capacity and
- to improve the standards of safety on board fishing vessels.

Having decided upon the adoption of certain proposals regarding the vocational training of fishermen, which is included in the sixth item on the agenda of the session, and

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

adopts this 21st day of June of the year 1966 the following Recommendation, which may be cited as the Vocational Training (Fishermen) Recommendation, 1966:

#### I—SCOPE AND DEFINITIONS

1. (1) For the purposes of this Recommendation, the term "fishing vessel" includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters, with the exception of ships and boats engaged in whaling or similar pursuits and fishery protection vessels.

(2) This Recommendation applies to all training for work on board fishing vessels.

(3) This Recommendation does not apply to persons fishing for sport or recreation.

2. For the purpose of this Recommendation, the following terms have the meaning hereby assigned to them:

- (a) skipper: any person having command or charge of a fishing vessel;
- (b) mate: any person exercising subordinate command of a fishing vessel, including any person, other than a pilot, liable at any time to be in charge of the navigation of such a vessel;
- (c) engineer: any person permanently responsible for the mechanical propulsion of a fishing vessel, as well as any other person liable at any time to operate and maintain the engines and mechanical equipment of such a vessel;
- (d) skilled fisherman: any experienced member of the deck crew working on board a fishing vessel, participating in the operation of the vessel, preparing gear for fishing, catching fish, loading catch and processing it, and maintaining and repairing nets or other fishing equipment.

#### II—NATIONAL PLANNING AND ADMINISTRATION

##### *Planning and Co-ordination*

3. In planning a national education and training policy, the competent authorities in the countries possessing or intending to develop a fishing industry should ensure that adequate provision is made in the general network of training facilities for the training of fishermen.

4. Where national circumstances do not permit the development of facilities for the training of fishermen at all levels of skill required, collaboration with other countries, as well as with international organizations, in the development of common fishery training schemes for such skills and occupations as cannot be covered by national programmes should be considered.

5. (1) The activities of all public and private institutions in each country engaged in the training of fishermen should be co-ordinated and developed on the basis of a national programme.

(2) Such a programme should be drawn up by the competent authorities in co-operation with fishing vessel owners' and fishermen's organizations, with educational and fishery research institutions, and with other bodies or individuals having an intimate knowledge of the vocational training of fishermen. In developing countries in which specialized fishery research or development institutes are established in co-operation with other countries or international organizations, such institutes should play a leading part in the establishment of the national programme.

(3) To facilitate the planning, development, co-ordination and administration of fishermen's training schemes, joint advisory policy and administrative bodies should whenever possible be set up at the national level and, where appropriate, also at the regional and local levels.

6. The competent authorities should ensure that the various agencies and institutions responsible for the dissemination of information on training and employment opportunities, such as primary and secondary schools, vocational guidance and employment counselling services, public employment services, vocational and technical training institutions and fishing vessel owners' and fishermen's organizations, are supplied with complete information on public and private training schemes for fishermen and on conditions of entry into fishing.

7. The competent authorities should ensure that fishermen's vocational training schemes are fully co-ordinated with any other programmes and activities, public or private, related to the fishing industry. In particular, they should make certain that—

- (a) fishery research institutions make information on their latest discoveries of practical interest to fishing readily available to training centres and other interested bodies, and through these to working fishermen; where possible, the research institutions should contribute to the advanced training of fishermen, and fishermen's training centres should, as appropriate, assist these institutions in their work;
- (b) measures are taken, through the provision of general education prior to or simultaneously with vocational training, to advance the general level of education in fishing communities, to promote greater satisfaction among fishermen and to facilitate the assimilation of technical and vocational training;
- (c) arrangements are made, with the co-operation of fishing vessel owners' and fishermen's organizations, in order that, other things being equal, preference may be given in employment placement to persons who have completed a public or private training course;
- (d) arrangements are made, with the co-operation of fishing vessel owners' and fishermen's organizations, particularly in developing countries, for trainees completing public and private courses either to enter employment on fishing vessels or, alternatively, to acquire and operate suitably equipped fishing vessels, either individually, or by forming co-operatives for the joint purchase and use of fishing boats, or by any other appropriate means;

- (e) the number of trained fishermen corresponds to the number of boats and the equipment available or planned to be available in the country.

#### *Financing*

8. (1) Fishermen's training schemes should be systematically organized; financing should be on a regular and adequate basis and should have regard to the present and planned requirements and development of the fishing industry.

(2) Where required, the government should make financial contributions to training schemes carried on by local government or private bodies. These contributions may take the form of general subsidies, grants of land and buildings or of demonstration material such as boats, engines, navigational equipment and fishing gear, provision of instructors free of charge, or payment of fees for trainees.

(3) Training in publicly operated training centres for fishermen should be given without charge to the trainee. In addition, the training of adults and young persons in need should be facilitated by financial and economic assistance of the kind envisaged in paragraph 7, subparagraphs (3) and (5), of the Vocational Training Recommendation, 1962.

#### *Training Standards*

9. (1) The competent authorities, in co-operation with the joint bodies mentioned in paragraph 5, subparagraph (3), of this Recommendation, should define and establish general standards for fishermen's training applicable throughout the territory of the country. These standards should be in conformity with the national requirements for obtaining the various fishermen's certificates of competency and should lay down—

- (a) the minimum age of entry into fishermen's training schemes;
- (b) the nature of medical examinations, including chest X-rays and hearing and sight tests, required for persons entering training schemes; the examinations, particularly the hearing and sight tests, may differ for persons entering deck and persons entering engine course;
- (c) the level of general education which is required for admission to fishermen's training schemes;
- (d) the fishing, navigation and seamanship, safety, engineering, catering and other subject matter which should be included in the training curricula;
- (e) the amount of practical training, including time spent in engineering shops and at sea, which trainees should undergo;
- (f) the duration of the training courses for the various fishing occupations and the different levels of competency;
- (g) the nature of any examinations following the completion of the training courses; and
- (h) the experience and qualifications of the teaching staff of training institutions.

(2) Where it is not possible to lay down standards applicable throughout the country, recommended standards should be drawn up by the competent authorities, in co-operation with the joint bodies mentioned in paragraph 5, subparagraph (3), of this Recommendation, to serve as a guide to the setting of standards which are as uniform as possible throughout the country.

#### **III—TRAINING PROGRAMMES**

10. The curricula of the various training programmes for fishermen should be based on a systematic analysis of the work required in fishing and should be established in co-operation with the joint bodies mentioned in paragraph 5,

subparagraph (3), of this Recommendation. They should be periodically reviewed and kept up to date with technical developments and should, as appropriate for the functions to be exercised, include training in—

- (a) fishing techniques, including where appropriate the operation and care of electronic fish-finding devices, and operation, maintenance and repair of fishing gear;
- (b) navigation, seamanship and ship handling appropriate to the sea area and to the type of fishing for which the course is designed, including a proper knowledge of the international Regulations for Preventing Collisions at Sea;
- (c) stowage, cleaning and processing of fish on board;
- (d) vessel maintenance and other related matters;
- (e) operation, maintenance and repair of steam or internal combustion (gasoline or diesel) engines or other equipment which the trainee may be called upon to use;
- (f) operation and care of radio and radar installations which the trainee may be called upon to use;
- (g) safety at sea and safety in handling fishing gear, including such matters as stability, effects of icing, fire fighting, watertight integrity, personal safety, gear and machinery safeguards, rigging safety measures, engine-room safety, lifeboat handling, use of inflatable life rafts, first aid and medical care and other related matters;
- (h) theoretical subjects relevant to fishing, including marine biology and oceanography, which will enable trainees to gain a broad foundation for further instruction and training leading to promotion or to transfer to another fishing occupation or another type of fishing;
- (i) general education subjects, although this may be provided for to a more limited extent in short courses;
- (j) operation, maintenance and repair of refrigeration systems, firefighting equipment, deck and trawling winches and other mechanical equipment of fishing vessels;
- (k) principles of shipboard electrical power installations, and maintenance and repair of the electrical machinery and equipment of fishing vessels;
- (l) health and physical education, especially swimming, where training facilities permit;
- (m) specialized courses in deck, engine and other subjects after an introductory period of general fishing instruction.

11. (1) National standards should, where practicable and appropriate, be established for certificates of competency or diplomas qualifying a person to act as skipper (various grades); mate (various grades); engineer (various grades); fishery technician (various grades); boatswain; skilled fisherman (various grade); cook; or other deck or engine-room personnel.

(2) Training programmes should be chiefly designed to prepare trainees for certification and should be directly related to national certification standards; they should take account of the minimum ages and minimum professional experience laid down by the competent authorities in respect of the various grades of certificates of competency.

(3) Where national certification examinations do not exist or do not exist for the particular duty in question, training courses should nevertheless prepare trainees for particular duties such as those listed above. All trainees successfully completing such training courses should receive a diploma concerning the course followed.

12. (1) Programmes should be available to train fishermen to perform duties as skippers and engineers of all types of vessels in use in the fishing fleet of the country concerned, including larger distant-water vessels.

(2) Where appropriate to the vessels in use, college-level fishing and navigation courses should be established which are of the same level as merchant navy officers' training programmes but which provide training in subject matters appropriate to fishing.

13. The duration of the various training programmes should be sufficient to enable trainees to assimilate the instruction given, and should be determined with reference to such matters as—

- (a) the level of training required for the occupation for which the course is designed;
- (b) the general educational level and age required of trainees entering the course;
- (c) the trainees' previous practical experience; and
- (d) the urgency of turning out trained fishermen in the country, subject to the maintenance of adequate standards of training.

14. (1) The teaching staff should consist of persons possessing a broad general education, a theoretical technical education and satisfactory relevant practical fishing experience.

(2) Where it is not possible to recruit a teaching staff with these qualifications, persons with practical experience in fishing and holding appropriate certificates of competency should be employed.

(3) Where it is not possible to recruit a full-time teaching staff with practical fishing experience, persons with satisfactory relevant practical fishing experience should be employed on a part-time basis.

(4) All teaching staff should have an aptitude for teaching and should be given appropriate teacher training by the competent educational authorities.

#### *Pre-Vocational Training*

15. In fishing communities, measures consistent with the Minimum Age (Fishermen) Convention, 1959, should be taken to provide pre-vocational training to schoolchildren, including training in elementary practical seamanship, basic commercial fishing techniques and navigational principles, in so far as this is appropriate to the general conditions in the particular country.

#### *Short Courses for Working Fishermen*

16. Training courses should be available for working fishermen to enable them to increase their technical skills and knowledge, to keep abreast of improved fishing and navigation techniques, and to qualify for promotion.

17. (1) Training courses for working fishermen should be specifically designed for the purposes of—

- (a) complementing the basic long-term courses by providing advanced specialized training for promotion;
- (b) providing training in fishing techniques new to the area; in operating, maintaining and repairing new types of engines or gear; and in making gear where appropriate;
- (c) providing all levels of training for fishermen who were unable to participate in a basic long-term training courses;
- (d) providing accelerated training in developing countries.



(2) The courses should be of short duration and should be considered to be complementary to and not substitutes for basic long-term training programmes.

18. The courses, which may take the form of mobile courses bringing instructors and demonstration equipment to fishing centres, should in particular consist of programmes involving—

- (a) evening courses;
- (b) seasonal courses offered during stormy months or slack fishing period; or
- (c) day-time courses for which fishermen temporarily leave their work for short periods.

19. (1) All appropriate measures should be taken to enable working fishermen to attend short courses ashore.

(2) Working fishermen should receive adequate financial compensation for the period in which they attend short training courses.

2. Where long-term courses and short courses for working fishermen do not meet training needs, particularly in isolated areas, these courses may be supplemented by—

- (a) special radio and television courses and programmes providing fishing information;
- (b) correspondence courses specially adapted to the needs of working fishermen and arranged for use by study groups with occasional lectures or attendance at training schools;
- (c) periodic visits of research workers and extension officers to fishing communities.

#### IV—METHODS OF TRAINING

21. The training methods adopted by fishermen's training schemes should be the most effective possible, having regard to the nature of the course, the trainees' experience, general education and age, and the demonstration equipment and financial support available.

22. Practical training, in which the students themselves participate, should be an important part of all fishermen's training programmes.

23. (1) Fishing training vessels should be used by all training institutions with programmes for persons entering fishing to provide instruction in fishing techniques, navigation and seamanship, engine operation and other matters. These vessels should conduct actual fishing operations.

(2) Training vessels should, whenever possible, be attached to technical schools providing advanced training.

24. (1) Demonstration equipment such as engines, gear fishing-boat models, workshop equipment and navigational aids should be used in training programmes.

(2) Such equipment should be prepared in collaboration with fishery research institutions and should include, whenever possible, the latest gear and navigational aids.

(3) Such equipment should be selected with reference to the gear, boats and engines which the trainees may be called upon to use.

(4) Films and other audio-visual aids, although they may be useful in some cases, should not be a substitute for demonstration equipment in the use of which trainees themselves take an active part.

(5) Visits should be organized for trainees to fishing vessels equipped with modern or special installations, to fishery research institutions, or to fishing centres away from the area in which the school is located.

25. Practical training may also be provided by periods of fishing at sea on board commercial fishing vessels.

26. Theoretical training, including general education, given as part of a training course should be directly related to the knowledge and skills required by fishermen and should, wherever possible, be integrated with the practical training offered.

#### V—INTERNATIONAL CO-OPERATION

27. (1) Countries should co-operate in promoting fishermen's vocational training, particularly in developing countries.

(2) This co-operation, as appropriate, may include such matters as—

(a) with the help of international organizations or other countries, obtaining and training teaching staff to establish and improve fishermen's training facilities;

(b) establishing joint training facilities or joint fishery research institutions with other countries;

(c) making training facilities available to selected trainees or instructor trainees from other countries, and sending trainees or instructor trainees to training facilities in other countries;

(d) arranging international exchanges of personnel and international seminars and working parties;

(e) providing instructors for fishermen's training schools in other countries.