



## INTERNATIONAL LABOUR OFFICE

### REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS (*article 19 of the Constitution of the International Labour Organisation*)

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

#### **Labour Administration Convention, 1978 (No. 150)**

#### **Labour Administration Recommendation, 1978 (No. 158)**

*Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:*

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

*In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.*

## Report

to be made no later than 28 February 2023, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of \_\_\_\_\_, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2023.

## Context and scope of the questions

At its 343rd Session in November 2021, the Governing Body requested the Office to prepare for its consideration at its 344th Session (March 2022) the article 19 report form on two instruments: Labour Administration Convention, 1978 (No. 150) and the Labour Administration Recommendation, 1978 (No. 158), for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2023, to be discussed by the Conference Committee on the Application of Standards in 2024.<sup>1</sup>

The General Survey will provide a comprehensive overview of the organization and structure of labour administration systems in ILO Member States. Moreover, it will shed light on the consultation with and participation by social partners at the national level in relation to the organization and functioning of the labour administration system. The General Survey will also outline the main functions performed by the systems of labour administration in ILO Member States. Further, the General Survey will be an opportunity to contribute to a better understanding of the provisions both in law and in practice of the instruments; the challenges and opportunities in their application, and will encourage the sharing of experiences and good practices among ILO Member States.

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<sup>1</sup> GB.343/LILS/2/Decision.

During the discussion, the Governing Body indicated that the General Survey would provide a comprehensive overview of the impact that the COVID-19 crisis has had on national systems of labour administration across the world and illustrate the central role they have played in managing the immediate response to the crisis and in planning and implementing the longer term recovery, in consultation with the social partners.<sup>2</sup>

The General Survey would constitute a concrete follow-up to the [ILO Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient](#) and take stock of the extent to which ILO Member States have strengthened “the capacity of public administrations and employers’ and workers’ organizations to participate in such [social] dialogue as the means to develop and implement regional, national, sectoral and local recovery strategies, policies and programmes”,<sup>3</sup> as well as ILO efforts to “strengthen the capacity of labour administrations, labour inspectorates and other relevant authorities to ensure implementation of rules and regulations [in the context of COVID-19], especially regarding social protection and occupational safety and health”.<sup>4</sup>

The General Survey would also draw upon the [ILO Centenary Declaration for the Future of Work](#), which underlines that safe and healthy working conditions are fundamental to decent work and calls on the ILO to direct its efforts towards “strengthening labour administration and inspection”.<sup>5</sup>

The present questionnaire has also been prepared in the light of the [ILO Declaration on Social Justice for a Fair Globalization and its follow-up](#). Account has been taken of the fact that “[t]his follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”.<sup>6</sup> For instance, by grouping and focusing on instruments related to a specific strategic objective, General Surveys may provide an overview on the law and practice in ILO Member States concerning certain instruments and feed into the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective.

Lastly, the General Survey will enable the ILO Member States to assess the contribution of these standards to the achievement of the 2030 Agenda for Sustainable Development, through the realization of Sustainable Development Goals (SDGs), notably SDG 8 (Decent work and economic growth) and SDG 16 (Peace, justice and strong institutions). The General Survey can also support ILO Member States in identifying potential areas for the application of the 2018 [UN Principles of effective governance for sustainable development](#) to labour administration systems with a view to enhancing effective governance for sustainable development on labour-related matters.

\* \* \*

The following questions relate to issues covered by Convention No. 150 and Recommendation No. 158.

**Where possible, please give a specific reference (including a web hyperlink) for information relating to the provisions of legislation, regulations, collective agreements, work rules, arbitration awards, court decisions and policies (or attach an electronic copy).**

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<sup>2</sup> [GB.343/LILS/2](#), para. 17.

<sup>3</sup> Global call to action, para. 11, D(c).

<sup>4</sup> Global call to action, para. 13(d).

<sup>5</sup> ILO, ILO Centenary Declaration for the Future of Work, 2019, Part II, A (xi).

<sup>6</sup> ILO, ILO Declaration on Social Justice for a Fair Globalization, 2008, Annex, Part I (B).

## Article 19 report form concerning labour administration

### A. Definitions

1. The term **labour administration** means public administration activities in the field of national labour policy (Article 1(a) of Convention No. 150 and Paragraph 1(a) of Recommendation No. 158).

2. The term **system of labour administration** covers all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration –and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organizations (Article 1(b) of Convention No. 150 and Paragraph 1(b) of Recommendation No. 158).

### B. Notes

1. Governments of countries which have ratified Convention No. 150 will use the present form only with regard to Recommendation No. 158. It will not be necessary to repeat information already provided in reports under article 22 in connection with ratified Conventions. The questions contained under the titles “*Standard-related action*” and “*Possible need for technical assistance*” are addressed to all Member States.

2. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

3. For federal states, please provide answers to the questions below with regard to both the federal level and the level of the federated units.

Organization and structure of the labour administration system	
<p><b>Structure of the labour administration system</b></p> <p>1. Please indicate any public administration bodies that are responsible for and/or engaged in labour administration, whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration or field services.</p>	<p>C150: Arts 1(a) and (b) and 4 R158: Paras 1(a) and (b) and 26(1) and (2)</p>
<p>2. Please indicate if the system of labour administration comprises specialised units dealing with the following: the formulation of standards relating to working conditions and terms of employment; labour inspection; labour relations; employment, workforce planning and human resources development; international labour affairs; social security; minimum wage legislation; and questions relating to specific categories of workers.</p>	<p>R158: Paras 6 and 25(1) and (2)</p>
<p>3. Please provide information on any periodic reports on the activities of the main labour administration services submitted to the Ministry of Labour or other comparable body, as well as to employers' and workers' organizations. Please provide a weblink/copies of these reports, if available.</p>	<p>R158: Para. 20(1)</p>

<p>4. With regard to the organization and effective operation of the system of labour administration in your territory, please provide information on:</p> <p>(i) the internal structure of any body within the system of labour administration and provide copies of the respective organigrams and work plans or strategies, if available;</p> <p>(ii) any national laws and regulations which provide for the creation, structure, functions and responsibilities of these bodies. Please provide a weblink or electronic copies of the legislation and regulations.</p>	<p>C150: Art. 4 R158: Para. 4</p>
<p>5. Please indicate any review undertaken or any organizational change that has occurred in the system of labour administration in recent years (for example as a consequence of the COVID-19 pandemic). Please indicate the consultations held in this respect with the most representative organizations of employers and workers, if any.</p>	<p>R158: Para. 21</p>
<p><b>Coordination within the system of labour administration</b></p> <p>6. Please indicate any institutional framework for the co-ordination of the functions and responsibilities of the different bodies within the system of labour administration, including field services. Please indicate if such co-ordination occurs through a central body<sup>7</sup> (for example the Ministry of Labour or another comparable body). Please indicate the manner in which it is ensured that field services have sufficient and clear instructions to preclude the possibility of laws and regulations being differently interpreted in different areas. Please indicate if any policy, strategy or plan for coordination has been adopted and, if so, please provide a copy.</p>	<p>C150: Arts 1(b) and 4 R158: Paras 1(b), 4 and 26(2)(c)</p>
<p>7. Please provide information on the manner, if any, in which the Ministry of Labour or another comparable body ascertains that any parastatal, regional or local agencies engaged in labour administration activities are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.</p>	<p>C150: Art. 9</p>
<p>8. Please provide information on any measure taken to ensure appropriate representation of the system of labour administration in the administrative and consultative bodies dealing with social and economic policies.</p>	<p>R158: Para. 19</p>
<p><b>Resources and staff</b></p> <p>9. Please provide details on the status, independence, qualifications and recruitment criteria for the staff of the labour administration system and any relevant provisions of national laws or regulations in this respect. Please also provide information on initial and subsequent training provided to the staff of the labour administration system.</p>	<p>C150: Art. 10(1) R158: Para. 23(1) and (2)</p>
<p>10.</p> <p>(i) Please provide details on the human, logistic and material resources allocated to the functions of labour administrations, including any changes occurred in response to the COVID-19 crisis. Please also provide information on the human and material resources of the field services.</p>	<p>C150: Art. 10(2) R158: Paras 22(1) and 26(2)(b)</p>

<sup>7</sup> For federal states, central body could mean either one at the federal level or one at the level of the federated unit, according to the respective distribution of competences in the field of labour policy.

<p>(ii) With regard to the financial resources available to staff of the system of labour administration for the performance of their duties, please indicate the budget allocated to the labour administration system, including any changes due to the COVID-19 crisis, and provide a copy of it. If available, please indicate the share of the State budget allocated to labour administration in the last five financial years.</p>	
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### Consultation with and participation by employers, workers and their organizations in the system of labour administration

<p>11. Please indicate if any activity related to labour administration are delegated or entrusted to non-governmental organizations, particularly employers' and workers' organizations, or to employers' and workers' representatives. If so, please indicate which one.</p>	<p>C150: Art. 2 R158: Para. 2</p>
<p>12. Please indicate if particular activities in the field of national labour policy are matters which, in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organizations. Please provide relevant examples, if any.</p>	<p>C150: Art. 3 R158: Para. 3</p>
<p>13. Please indicate any arrangement that is in place within the system of labour administration in order to secure consultation, co-operation and negotiation between the public authorities and the most representative organizations of employers and workers, or employers' and workers' representatives.</p> <p>Please also indicate:</p> <p>(i) whether these arrangements are made at the national, regional and local levels;</p> <p>(ii) whether these arrangements are made at the sectoral level.</p> <p>Please provide copies of reports or extracts of reports produced as a result of consultation, co-operation and negotiations, if any.</p>	<p>C150: Art. 5</p>

### Main functions of the system of labour administration

<p><b>Functions in respect of national labour policy</b></p> <p>14. Please indicate the manner in which the bodies within the system of labour administration are responsible or contribute to the preparation, administration, co-ordination, checking and review of national labour policy. Please indicate the relevant provisions of national legislation, if any. Also, please indicate if any review has been undertaken in the context of the COVID-19 pandemic.</p>	<p>C150: Art. 6(1)</p>
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<p><b>Functions in relation to labour standards</b></p> <p>15. Please indicate the manner in which the bodies within the system of labour administration take an active part in the preparation, development, adoption, implementation and review of labour laws and regulations, including the submission of proposals to overcome identified defects and abuses concerning working conditions and terms of employment. Please indicate the consultations with employers and workers' organizations held in this respect.</p> <p>_____</p>	<p>C150: Art. 6(1) and (2)(b) R158: Para. 5(1)</p>
<p><b>Functions concerning labour relations</b></p> <p>16. Please indicate:</p> <p>(a) any services offered by the bodies within the system of labour administration to employers and workers and their organizations to promote at national, regional, sectoral and local levels, effective consultation and cooperation between public authorities and employers' and workers' organizations, as well as between such organizations;</p> <p>_____</p> <p>(b) the manner in which such services promote the regulation of terms and conditions of employment by means of collective bargaining and the free exercise of employers' and workers' right of association;</p> <p>_____</p> <p>(c) to what extent the system of labour administration promotes the full development and utilisation of the machinery for voluntary negotiation.</p> <p>_____</p>	<p>C150: Art. 6(2)(c) R158: Paras 5(2), 7, 8 and 9</p>
<p>17. Please provide information on any activities carried out by bodies within the system of labour administration in order to make technical advice available to employers and workers and their respective organizations on their request. Please also indicate if the bodies within the system of labour administration provide, in agreement with employers' and workers' organizations concerned, conciliation and mediation facilities in case of collective disputes.</p> <p>_____</p>	<p>C150: Art. 6(2)(d) R158: Para. 10</p>
<p><b>Functions in relation to employment</b></p> <p>18. Please indicate any bodies within the system of labour administration that participate in the preparation, administration, co-ordination, checking and review of a national employment policy. Please describe the consultation and cooperation with employers' and workers' organizations in this respect.</p> <p>_____</p>	<p>C150: Art. 6(2)(a) R158: Paras 11(1) and 13</p>
<p>19. Please indicate any legal and institutional framework for coordination of the activities carried out by the various authorities and bodies which are concerned with particular aspects of employment policy, including whether this coordination occurs through a central body.</p> <p>_____</p>	<p>R158: Para. 11(2)</p>
<p>20. Please indicate if the labour administration system includes a free public employment service. Please provide information on the structure and organization of the bodies within the labour administration system providing for these services, including any institutional arrangement for promoting and assisting the employment of particular categories of workers.</p> <p>_____</p>	<p>R158: Paras 15 and 16</p>

<p>21. Please provide information on the structure and functions of any competent bodies within the system of labour administration with regard to manpower<sup>8</sup> planning and human resources development.</p> <p>Please also provide information on the bodies, if any, within the system of labour administration that are responsible for the coordination of:</p> <ul style="list-style-type: none"> <li>• programmes of employment creation and promotion;</li> <li>• vocational guidance and vocational training programmes; and</li> <li>• unemployment benefit schemes.</li> </ul> <p>Please also indicate the role, if any, of the bodies within the labour administration system in the coordination of these programmes and schemes with general employment policy measures.</p>	<p>C150: Art. 6(2)(a) R158: Paras 12, 14 and 17</p>
<p><b>Functions in relation to studies and research</b></p> <p>22. Please provide information on any studies and research conducted by the bodies within the system of labour administration in order to keep under review the situation of employed, unemployed and underemployed persons. Please provide information on the bodies within the system of labour administration, if any, involved in this task and provide copies of these studies and research, if available.</p>	<p>C150: Art. 6(2)(b) R158: Para. 18</p>
<p><b>Functions in relation to international labour affairs</b></p> <p>23. Please provide information on bodies within the system of labour administration, if any, that are responsible for international labour affairs. Please indicate their role with regard to the preparation of the national policy concerning international labour affairs and the State's representation in such affairs, taking into account international labour standards.</p>	<p>C150: Arts 6(2) and 8</p>
<p><b>Gradual extension of labour administration functions</b></p> <p>24. Please indicate whether any measures have been adopted in order to promote the extension, by gradual stages if necessary, of the functions of the system of labour administration to include activities relating to the conditions of work and working life of certain categories of workers who are not, in law, employed persons.</p>	<p>C150: Art. 7</p>

<sup>8</sup> In the context of this questionnaire, the term "manpower" is considered as having the same meaning as "workforce". In accordance with the ILC [Resolution concerning gender equality and the use of language in legal texts of the ILO adopted in 2011](#), in legal texts of the Organization, in accordance with applicable rules of interpretation, the use of a term referring to one gender includes in its meaning a reference to the other gender.



## The way forward

### Optional question

25. Please provide information on your country's strategy (e.g. national plan) for the attainment of the Sustainable Development Goals (SDGs), in particular SDG 16, target 16.6 - develop effective, accountable and transparent institutions at all levels - with regard to labour administration and indicate the manner in which the 2018 [UN Principles of effective governance for sustainable development](#) have been taken into account in the formulation, implementation and review of such strategy.

### Prospects for and obstacles to ratification

26. Please provide information on any prospects of ratification of Convention No. 150 and identify the challenges or obstacles regarding its possible ratification, and indicate any measures taken or envisaged to overcome these obstacles.

### Standard-related action

27. Is there any standard-related action that should be taken with respect to labour administration.

### Possible need for technical assistance

28. Please indicate whether your country has formulated any requests for technical assistance by the ILO to give effect to the provisions of the instruments covered by this questionnaire. If so, please provide information on existing plans for the provision of such assistance or the effect of such support if already provided. Please also indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support countries' labour administration systems.

### Article 23(2) of the ILO Constitution

29. Please indicate the representative employers' and workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.

## Labour Administration Convention, 1978 (No. 150)

### *Preamble*

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and  
Recalling the terms of existing international labour Conventions and Recommendations, including in particular the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture) Convention, 1969, and the Employment Service Convention, 1948, which call for the exercise of particular labour administration activities, and  
Considering it desirable to adopt instruments establishing guidelines regarding the over-all system of labour administration, and  
Recalling the terms of the Employment Policy Convention, 1964, and of the Human Resources Development Convention, 1975; recalling also the goal of the creation of full and adequately remunerated employment and affirming the need for programmes of labour administration to work towards this goal and to give effect to the objectives of the said Conventions, and  
Recognising the necessity of fully respecting the autonomy of employers' and workers' organisations, recalling in this connection the terms of existing international labour Conventions and Recommendations guaranteeing rights of association, organisation and collective bargaining – and particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which forbid any interference by public authorities which would restrict these rights or impede the lawful exercise thereof, and considering that employers' and workers' organisations have essential roles in attaining the objectives of economic, social and cultural progress, and  
Having decided upon the adoption of certain proposals with regard to labour administration: role, functions and organisation, which is the fourth item on the agenda of the session, and  
Having determined that these proposals shall take the form of an international Convention,  
adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-eight the following Convention, which may be cited as the Labour Administration Convention, 1978:

### *Article 1*

For the purpose of this Convention—

- (a) the term **labour administration** means public administration activities in the field of national labour policy;
- (b) the term **system of labour administration** covers all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration – and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations.

## **Article 2**

A Member which ratifies this Convention may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or – where appropriate – to employers' and workers' representatives.

## **Article 3**

A Member which ratifies this Convention may regard particular activities in the field of its national labour policy as being matters which, in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organisations.

## **Article 4**

Each Member which ratifies this Convention shall, in a manner appropriate to national conditions, ensure the organisation and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

## **Article 5**

1. Each Member which ratifies this Convention shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, co-operation and negotiation between the public authorities and the most representative organisations of employers and workers, or – where appropriate – employers' and workers' representatives.

2. To the extent compatible with national laws and regulations, and national practice, such arrangements shall be made at the national, regional and local levels as well as at the level of the different sectors of economic activity.

## **Article 6**

1. The competent bodies within the system of labour administration shall, as appropriate, be responsible for or contribute to the preparation, administration, co-ordination, checking and review of national labour policy, and be the instrument within the ambit of public administration for the preparation and implementation of laws and regulations giving effect thereto.

2. In particular, these bodies, taking into account international labour standards, shall—

- (a) participate in the preparation, administration, co-ordination, checking and review of national employment policy, in accordance with national laws and regulations, and national practice;
- (b) study and keep under review the situation of employed, unemployed and underemployed persons, taking into account national laws and regulations and national practice concerning conditions of work and working life and terms of employment, draw attention to defects and abuses in such conditions and terms and submit proposals on means to overcome them;
- (c) make their services available to employers and workers, and their respective organisations, as may be appropriate under national laws or regulations, or national practice, with a view to the promotion – at national, regional and local levels as well as at the level of the different sectors of economic activity – of effective consultation and co-operation between public authorities and bodies and employers' and workers' organisations, as well as between such organisations;
- (d) make technical advice available to employers and workers and their respective organisations on their request.

### **Article 7**

When national conditions so require, with a view to meeting the needs of the largest possible number of workers, and in so far as such activities are not already covered, each Member which ratifies this Convention shall promote the extension, by gradual stages if necessary, of the functions of the system of labour administration to include activities, to be carried out in co-operation with other competent bodies, relating to the conditions of work and working life of appropriate categories of workers who are not, in law, employed persons, such as—

- (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- (b) self-employed workers who do not engage outside help, occupied in the informal sector as understood in national practice;
- (c) members of co-operatives and worker-managed undertakings;
- (d) persons working under systems established by communal customs or traditions.

### **Article 8**

To the extent compatible with national laws and regulations and national practice, the competent bodies within the system of labour administration shall contribute to the preparation of national policy concerning international labour affairs, participate in the representation of the State with respect to such affairs and contribute to the preparation of measures to be taken at the national level with respect thereto.

### **Article 9**

With a view to the proper co-ordination of the functions and responsibilities of the system of labour administration, in a manner determined by national laws or regulations, or national practice, a ministry of labour or another comparable body shall have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities, and any regional or local agencies to which particular labour administration activities may have been delegated, are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.

### **Article 10**

1. The staff of the labour administration system shall be composed of persons who are suitably qualified for the activities to which they are assigned, who have access to training necessary for such activities and who are independent of improper external influences.

2. Such staff shall have the status, the material means and the financial resources necessary for the effective performance of their duties.

### **Article 11**

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

### **Article 12**

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### **Article 13**

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 14**

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

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

### **Article 15**

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 16**

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 17**

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 13 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 18**

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

## Labour Administration Recommendation, 1978 (No. 158)

### *Preamble*

The General Conference of the International Labour Organisation,  
 Having been convened at Geneva by the Governing Body of the International Labour Office, and  
 having met in its Sixty-fourth Session on 7 June 1978, and  
 Recalling the terms of existing international labour Conventions and Recommendations, including in  
 particular the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture)  
 Convention, 1969, and the Employment Service Convention, 1948, which call for the exercise of  
 particular labour administration activities, and  
 Considering it desirable to adopt instruments establishing guidelines regarding the over-all system of  
 labour administration, and  
 Recalling the terms of the Employment Policy Convention, 1964, and of the Human Resources  
 Development Convention, 1975; recalling also the goal of the creation of full and adequately  
 remunerated employment and affirming the need for programmes of labour administration to  
 work towards this goal and to give effect to the objectives of the said Conventions, and  
 Recognising the necessity of fully respecting the autonomy of employers' and workers' organisations,  
 recalling in this connection the terms of existing international labour Conventions and  
 Recommendations guaranteeing rights of association, organisation and collective  
 bargaining – and particularly the Freedom of Association and Protection of the Right to Organise  
 Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which  
 forbid any interference by public authorities which would restrict these rights or impede the  
 lawful exercise thereof, and considering that employers' and workers' organisations have  
 essential roles in attaining the objectives of economic, social and cultural progress, and  
 Having decided upon the adoption of certain proposals with regard to labour administration: role,  
 functions and organisation, which is the fourth item on the agenda of the session, and  
 Having determined that these proposals shall take the form of a Recommendation supplementing the  
 Labour Administration Convention, 1978,  
 adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-eight, the  
 following Recommendation, which may be cited as the Labour Administration Recommendation,  
 1978:

### I. General provisions

1. For the purpose of this Recommendation—

- (a) the term **labour administration** means public administration activities in the field of national labour policy;
- (b) the term **system of labour administration** covers all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration – and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations.

2. A Member may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or – where appropriate – to employers' and workers' representatives.

3. A Member may regard particular activities in the field of its national labour policy as being matters which in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organisations.

4. Each Member should, in a manner appropriate to national conditions, ensure the organisation and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

## **II. Functions of the national system of labour administration**

### ***LABOUR STANDARDS***

5.

(1) The competent bodies within the system of labour administration should – in consultation with organisations of employers and workers and in a manner and under conditions determined by national laws or regulations, or national practice – take an active part in the preparation, development, adoption, application and review of labour standards, including relevant laws and regulations.

(2) They should make their services available to employers' and workers' organisations, as may be appropriate under national laws or regulations, or national practice, with a view to promoting the regulation of terms and conditions of employment by means of collective bargaining.

6. The system of labour administration should include a system of labour inspection.

### ***LABOUR RELATIONS***

7. The competent bodies within the system of labour administration should participate in the determination and application of such measures as may be necessary to ensure the free exercise of employers' and workers' right of association.

8.

(1) There should be labour administration programmes aimed at the promotion, establishment and pursuit of labour relations which encourage progressively better conditions of work and working life and which respect the right to organise and bargain collectively.

(2) The competent bodies within the system of labour administration should assist in the improvement of labour relations by providing or strengthening advisory services to undertakings, employers' organisations and workers' organisations requesting such services, in accordance with programmes established on the basis of consultation with such organisations.

9. The competent bodies within the system of labour administration should promote the full development and utilisation of machinery for voluntary negotiation.

10. The competent bodies within the system of labour administration should be in a position to provide, in agreement with the employers' and workers' organisations concerned, conciliation and mediation facilities, appropriate to national conditions, in case of collective disputes.



## **EMPLOYMENT**

11.

(1) The competent bodies within the system of labour administration should be responsible for or participate in the preparation, administration, co-ordination, checking and review of national employment policy.

(2) A central body of the system of labour administration, to be determined in accordance with national laws or regulations, or national practice, should be closely associated with, or responsible for taking, appropriate institutional measures to co-ordinate the activities of the various authorities and bodies which are concerned with particular aspects of employment policy.

12. The competent bodies within the system of labour administration should co-ordinate, or participate in the co-ordination of, employment services, employment promotion and creation programmes, vocational guidance and vocational training programmes and unemployment benefit schemes, and they should co-ordinate, or participate in the co-ordination of, these various services, programmes and schemes with the implementation of general employment policy measures.

13. The competent bodies within the system of labour administration should be responsible for establishing, or promoting the establishment of, methods and procedures for ensuring consultation of employers' and workers' organisations, or – where appropriate – employers' and workers' representatives, on employment policies, and promotion of their co-operation in the implementation of such policies.

14.

(1) The competent bodies within the system of labour administration should be responsible for manpower planning or where this is not possible should participate in the functioning of manpower planning bodies through both institutional representation and the provision of technical information and advice.

(2) They should participate in the co-ordination and integration of manpower plans with economic plans.

(3) They should promote joint action of employers and workers, with the assistance as appropriate of public authorities and bodies, regarding both short-and long-term employment policies.

15. The system of labour administration should include a free public employment service and operate such a service effectively.

16. The competent bodies within the system of labour administration should, wherever national laws and regulations, or national practice, so permit, have or share responsibility for the management of public funds made available for such purposes as countering underemployment and unemployment, regulating the regional distribution of employment, or promoting and assisting the employment of particular categories of workers, including sheltered employment schemes.

17. The competent bodies within the system of labour administration should, in a manner and under conditions determined by national laws or regulations, or national practice, participate in the development of comprehensive and concerted policies and programmes of human resources development including vocational guidance and vocational training.

## **RESEARCH IN LABOUR MATTERS**

18. For the fulfilment of its social objectives, the system of labour administration should carry out research as one of its important functions and encourage research by others.

### III. Organisation of the national system of labour administration

#### *CO-ORDINATION*

19. The ministry of labour or another comparable body determined by national laws or regulations, or national practice, should take or initiate measures ensuring appropriate representation of the system of labour administration in the administrative and consultative bodies in which information is collected, opinions are considered, decisions are prepared and taken and measures of implementation are devised with respect to social and economic policies.

20.

(1) Each of the principal labour administration services competent with respect to the matters referred to in Paragraphs 5 to 18 above should provide periodic information or reports on its activities to the ministry of labour or the other comparable body referred to in Paragraph 19, as well as to employers' and workers' organisations.

(2) Such information or reports should be of a technical nature, include appropriate statistics, and indicate the problems encountered and if possible the results achieved in such a manner as to permit an evaluation of present trends and foreseeable future developments in areas of major concern to the system of labour administration.

(3) The system of labour administration should evaluate, publish and disseminate such information of general interest on labour matters as it is able to derive from its operation.

(4) Members, in consultation with the International Labour Office, should seek to promote the establishment of suitable models for the publication of such information, with a view to improving its international comparability.

21. The structures of the national system of labour administration should be kept constantly under review, in consultation with the most representative organisations of employers and workers.

#### *RESOURCES AND STAFF*

22.

(1) Appropriate arrangements should be made to provide the system of labour administration with the necessary financial resources and an adequate number of suitably qualified staff to promote its effectiveness.

(2) In this connection, due account should be taken of—

- (a) the importance of the duties to be performed;
- (b) the material means placed at the disposal of the staff;
- (c) the practical conditions under which the various functions must be carried out in order to be effective.

23.

(1) The staff of the labour administration system should receive initial and further training at levels suitable for their work; there should be permanent arrangements to ensure that such training is available to them throughout their careers.

(2) Staff in particular services should have the special qualifications required for such services, ascertained in a manner determined by the appropriate body.

24. Consideration should be given to supplementing national programmes and facilities for the training envisaged in Paragraph 23 above by international co-operation in the form of exchanges of experience and information and of common initial and further training programmes and facilities, particularly at the regional level.

## **INTERNAL ORGANISATION**

25.

(1) The system of labour administration should normally comprise specialised units to deal with each of the major programmes of labour administration the management of which is entrusted to it by national laws or regulations.

(2) For example, there might be units for such matters as the formulation of standards relating to working conditions and terms of employment; labour inspection; labour relations; employment, manpower planning and human resources development; international labour affairs; and, as appropriate, social security, minimum wage legislation and questions relating to specific categories of workers.

## **FIELD SERVICES**

26.

(1) There should be appropriate arrangements for the effective organisation and operation of the field services of the system of labour administration.

(2) In particular, these arrangements should—

- (a) ensure that the placing of field services corresponds to the needs of the various areas, the representative organisations of employers and workers concerned being consulted thereon;
- (b) provide field services with adequate staff, equipment and transport facilities for the effective performance of their duties;
- (c) ensure that field services have sufficient and clear instructions to preclude the possibility of laws and regulations being differently interpreted in different areas.