

APPENDIX "B"

STATE PAPER NO. 2/1980

Ratification of International Labour Conventions and implementation of International Labour Recommendation adopted at the 64th Session of the International Labour Conference held in Geneva from 7 to 28 June, 1978.

The International Labour Conference adopted the following Conventions and Recommendations during its 64th Session:

1. Administration Convention, 1978 (No. 150);
2. Administration Recommendation, 1978 (No. 158);
3. Relations (Public Service) Convention, 1978 (No. 151);
4. Labour Relations (Public Service) Recommendation, 1978 (No. 159).

As a member of the International Labour Organisation Guyana is under obligation to bring these Conventions and Recommendations to the attention of the National Assembly within the period of one year or at the most eighteen months from the closing of the session of the conference, for the enactment of legislation or other action, and to inform the Director-General of the International Labour Organisation of the measures taken in this respect.

The Honourable House is accordingly invited to adopt the conclusions contained in this paper in respect of the instruments listed above so that the decisions of the Parliament of Guyana may be conveyed to the Director-General of the International Labour Organisation at the earliest opportunity.

1. Labour Administration Convention, 1978.

Definition and Scope.

(a) "Labour Administration" means public administration in the field of national labour policy;

(b) "System of Labour Administration" embraces 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.

The Convention provides for:

- (i) the delegation of certain activities of labour administration to non-governmental organisations particularly employers' and workers' organisations or representatives;
- (ii) the direct negotiations between workers' organizations of particular activities in the field of national labour policy
- (iii) an organised and effective operation of a properly co-ordinated system of labour administration;
- (iv) consultation, co-operation and negotiation between the public authorities and the most representative organisations of employers and workers within the system of Labour Administration to be had at the national, regional and local levels as well as the level of the different sectors of economic activity;
- (v) the competent bodies within the system of labour administration:
  - (a) to 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) to study and keep under review the structure of employed, unemployed persons, and draw attention to defects and abuses re-conditions of work and terms of employment and submit proposals or means to overcome them;
  - (c) to make their services available to employers and workers and their respective organisations at all levels to promote effective consultation and co-operation between public authorities and employers' and workers' organisations as well as between such organisations;
  - (d) to give technical advice on request to employers and workers.
- (vi) each member-state to promote, if national conditions so require, the gradual extension of the functions of the system of labour administration in co-operation with other competent bodies, to the following categories of workers who are not legally employed persons:-

(a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;

(b) self-employed workers;

(c) members of co-operatives and worker-managed undertakings;

(d) persons working under systems established by communal customs and traditions

(vii) the competent bodies to contribute to the preparations of national policy concerning international labour affairs and to participate in the representation of the state with respect to such affairs;

(viii) a ministry of labour or another comparable body to co-ordinate the functions and responsibilities of the system of labour administration and to have the means to ascertain whether as parastatal agencies or other bodies delegated with labour administrative activities are operating and adhering accordingly;

(ix) the staff of the labour administration system to compose 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; and for such staff to have the status, the material means and the financial resources necessary for the effective performance of their duties.

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

Definition and Scope. Definition of "Labour Administration" and "system of labour administration" same as Convention.

**The Recommendation highlights:**

(i) the delegation of certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations or to employers' and workers' representatives;

(ii) the recourse to direct-negotiations between employers' and workers' organisations on particular activities of national labour policies;

(iii) the organisation and effective operation of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

Functions of the National System of Labour  
Administration.

A. Labour Standards:

The Recommendation further provides for:

- (i) the competent bodies within the system of labour administration in consultation with organisations of employers and workers to take an active part in the preparation, development, adoption, application and review of labour standards, including relevant laws and regulations, and to make their services available to them to promote the regulation of terms of conditions of employment by means of collective bargaining;
- (ii) the system of labour administration to include a system of labour inspection;

B. Labour Relations:

(iii) the competent bodies within the system of labour administration:-

- (a) to 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;
- (b) to foster labour administration programmes aimed at the promotion, establishment and pursuits of labour relations which encourage progressively better conditions of work and working life and which respect the right to organise and bargain collectively as well as to assist in the improvement of labour relations by providing or strengthening advisory services to undertakings employers' organisations and to promote the full development and utilisation of machinery for voluntary negotiations, and in a position to provide conciliation and mediation facilities appropriate to national conditions in case of

collective disputes;

C. Employment:

(c) to be responsible for or participate in the preparation, administration, co-ordination, checking and review of national employment policy;

(d) to establish a central body to co-ordinate the activities of the various authorities and bodies concerned with particular aspects of employment services, employment promotion and creation programmes, vocational guidance and vocational training programmes and unemployment benefit schemes;

(e) to promote the establishment of methods and procedures for ensuring consultation of employers' and workers' organisations on employment policies;

(f) to be responsible for manpower planning or should participate in the functioning of manpower policy bodies, in the co-ordinating and integration of manpower plans with economic plans; and promote joint action of employers and workers regarding both short and long-term employment policies;

(g) to provide an effectively operated free public employment service;

(h) to have or share responsibilities for management of public funds allocated for: 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;

(i) to 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: (j) to carry out research on labour matters and encourage research by others;

3. Organisation of the National System of  
Labour Administration

Co-ordination: (k) to initiate measures to ensure 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;

Resources and Staff: (l) to make appropriate arrangements to provide an adequate number of suitable qualified staff in keeping with:

- (a) the importance of the duties to be performed;
- (b) the material means placed at the disposal of the staff;

and (c) the practical conditions under which the various functions must be carried out in order to be effective.

(m) to provide the staff with initial and further training at levels suitable for their work;

Internal Organisation: (n) to provide legally for the system of Labour Administration to comprise specialised units to deal with, for example, each of the following major programmes of labour administration:

- (a) the formulation of standards relating to working conditions and terms of employment;
- (b) labour inspection;
- (c) labour relations;
- (d) employment;
- (e) manpower planning and human resources development;

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- (f) international labour affairs;
- (g) social security, minimum wage legislation, etc.

Field Services:

(o) to make appropriate arrangements for the effective organisation and operation of the field services of the system of labour administration;

(a) to ensure the placing of field services to correspond to the needs of the various areas, the representative organisation of employers and workers concerned being consulted;

(b) to provide field services with adequate staff, equipment and transport facilities for the effective performance of their duties; and

(c) to ensure that field services have sufficient and clear instructions to preclude the possibility of laws and regulations being differently interpreted in different areas.

Position in Guyana

The system of Labour Administration operating in Guyana corresponds with many of the prescriptions of the Convention. The provisions of Articles 3, 4, 6 and 10 are legally covered by the Labour Act, Chapter 98:01, and those of Articles 3, 5, 8 and 9 have been incorporated into the system by custom and practice.

Articles 2 and 7 however, appear to introduce dimensions into the system of labour administration not practised in Guyana. Article 2 provides for the delegation or entrustment of certain activities of Labour Administration to non-governmental organisation particularly workers' and employers' representatives. Article 7 provides for the gradual extension 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 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, share-croppers and similar categories of Agricultural workers;

- (b) self - employer 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 and persons working under systems established by commercial custom or traditions;

The provisions of the Recommendation elaborate on those of the Conventions. They are all in harmony with our thinking in labour administration.

Conclusion

In view of the foregoing, it is proposed to ratify the Convention and to adopt as an aim of policy the provisions of the Recommendation.

Convention concerning Protection of the Right to  
organise and procedures for determining conditions  
of employment in the Public Service.

- Scope and Definition:
- (a) The Convention applies to all persons employed by public authorities to the extent that more favourable provisions in other I.L. Conventions are not applicable to them; and to any organisation, however, composed, which defend and further the interests of public employees;
  - (b) The extent to which the guarantees of the Convention would apply to (i) policy making or managerial employees; (ii) members of the armed-force and police is to be determined by national laws and regulations.



Objectives:

Protection of the Right  
to Organise:

The Convention provides for:

(i) public employees to enjoy adequate protection against acts of anti-union discrimination in respect to their employment; (e.g.)

Public employees are not to be employed subject to the condition that they are not to join or have to relinquish membership of any public employees' organisation; to be dismissed or suffer prejudice by reason of membership of a public employees' organisation or because of participation in the normal activities of such an organisation;

(ii) public employees' organisation:

(a) to enjoy complete independence from public authorities and adequate protection against any acts of interference by a public authority in their establishment, functioning or administration in particular, acts designed to promote the establishment of public employees' organisations under the domination of a public authority or to support public employees' organisations by financial or other means with the object of placing such organisations under the control of a public authority are repugnant.

Facilities to be afforded  
to Public Employees'  
Organisations:

(b) to be provided with adequate facilities to enable them to carry out their functions properly and effectively in accordance with the nature and scope of the agreed procedures for determining terms and conditions of employment.

Settlement of Disputes: (c) to settle disputes arising in connection with the determination of terms and conditions of employment through negotiation, mediation, conciliation and arbitration with the assurance of the parties involved.

Civil and Political

Rights: (d) to ensure that public employees have as other workers, the civil and political rights necessary for the exercise of Freedom of Association subject only to the obligations arising from their status and the nature of their functions.

Recommendations Concerning Procedures  
for determining Conditions of Employ-  
ment in the Public Service.

The Recommendation supplements the Labour Relations (Public Service) Convention and provides for:

- (i) the use of objective and pre-established criteria in the procedures for recognition of public employees' organisations for preferential and exclusive rights as provided for under Parts III, IV, and V of the Convention;
- (ii) the discouragement of the proliferation of organisations covering the same categories of employees;
- (iii) national laws and regulations or other appropriate means -
  - (i) to determine the persons or bodies competent to negotiate on behalf of the public authority concerned as well as the procedure for giving effect to the agreed terms and conditions of employment and (ii) to regulate the procedure for the participation and determination of matters where methods other than negotiations are followed;

- (iv) the periods of agreements between public authorities and organisations and the termination, revising or renewal of such agreements to be specified;
- (v) the nature and scope of the facilities to be afforded to representatives of public employees' organisations to be related to the Workers' Representatives Recommendation, 1971.

#### Position in Guyana

The Articles of the Convention are in keeping with what is practised in Guyana. In substance, the provisions of all the Articles are already in operation:

#### Conclusion

The Articles of the Conventions are relevant to our Guyanese situation, it is therefore, proposed to ratify the Convention and to implement as an aim of policy the provisions of the Recommendation.

SUMMARY OF CONCLUSIONS FOR ADOPTION BY THE  
NATIONAL ASSEMBLY

1. LABOUR ADMINISTRATION CONVENTION, 1978 (No.150) LABOUR  
ADMINISTRATION RECOMMENDATION, 1978 (No.158)

The scope of the Convention is in keeping with the country's present trend of Labour Administration and there would be little difficulty in implementing the articles of the Convention. Therefore, it is proposed to ratify the Convention and to implement as an aim of policy the provisions of the Recommendation.

2. LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978 (No. 151)  
LABOUR RELATIONS (PUBLIC SERVICE) RECOMMENDATION, 1978 (No. 159)

The scope of the Convention constitutes provisions which are in operation in the Public Service of Guyana (i.e.) procedures for the settlement of disputes. It is proposed, therefore, to ratify the Convention and implement as an aim of policy the provisions of the Recommendation.

H. GREEN

Minister of Health, Housing and  
Labour

Ministry of Health, Housing and Labour  
MP 23/2/1<sup>III</sup>

**CONVENTION CONCERNING LABOUR ADMINISTRATION: ROLE, FUNCTIONS AND ORGANISATION.**

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 Recommen-  
dations, including in particular the Labour Inspection Convention, 1974, the  
Labour Inspection (Agriculture) Convention, 1969, and the Employment Service  
Convention, 1948, which call for the exercise of particular labour administra-  
tion 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' 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 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 relevant 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

- (c) make their services available <sup>to</sup> 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-employer 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 custom 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;



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.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-fourth Session which was held at Geneva and declared closed the twenty-eight day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978

RECOMMENDATION CONCERNING LABOUR ADMINISTRATION: ROLE, FUNCTIONS AND ORGANISATION

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 Organize 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 role  
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:

1. 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' organiza-  
tions, 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 nego-  
tations 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 <sup>and</sup> establishment / 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 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 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

(3) The system of labour administration should evaluate, publish and disseminate such information of general interest of 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 suitable 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 performed 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.

The foregoing is the authentic text of the recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-Fourth Session which was held at Geneva and declared closed the twenty-eight day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978.

CONVENTION 151

Convention concerning Protection of the Right to Organise and procedures for determining conditions of employment in the Public Service.

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

Noting the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Workers' Representatives Convention and Recommendation, 1971, and

Recalling that the Right to Organise and Collective Bargaining Convention, 1949, does not cover certain categories of public employees and that the Workers' Representatives Convention and Recommendation, 1971, apply to workers' representatives in the undertaking, and

Noting the considerable expansion of public-service activities in many countries and the need for sound labour relations between public authorities and public employees' organisations, and

Having regard to the great diversity of political, social and economic systems among member States and the differences in practice among them (e.g. as to the respective functions of central and local government, of federal, state and provincial authorities, and of state-owned undertakings and various types of autonomous or semi-autonomous public bodies, as well as to the nature of employment relationships), and

Taking into account the particular problems arising as to the scope of, and definitions for the purpose of, any international instrument, owing to the differences in many countries between private and public employment, as well as the difficulties of interpretation which have arisen in respect of the application of relevant provisions of the Right to Organise and Collective Bargaining Convention, 1949, to public servants, and the observations of the supervisory bodies of the ILO on a number of occasions that some governments have applied these provisions in a manner which excludes large groups of public employees from coverage by that Convention, and

Having decided upon the adoption of certain proposals with regard to freedom of association and procedures for determining conditions of employment in the public service, which is the fifth item on the agenda of the session, and

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

adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-eight the following Convention, which may be cited as the Labour Relations (Public Service) Convention, 1978:

## PART I. SCOPE AND DEFINITIONS

### Article 1

1. This Convention applies to all persons employed by public authorities, to the extent that more favourable provisions in other international labour Conventions are not applicable to them.

2. The extent to which the guarantees provided for in this Convention shall apply to high-level employees whose functions are normally considered as policy-making or managerial, or to employees whose duties are of a highly confidential nature, shall be determined by national laws or regulations.

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

### Article 2

For the purpose of this Convention, the term "public employee" means any person covered by the Convention in accordance with Article 1 thereof.

### Article 3

For the purpose of this Convention, the term "public employees' organisation" means any organisation, however composed, the purpose of which is to further and defend the interests of public employees.

## PART II. PROTECTION OF THE RIGHT TO ORGANISE

### Article 4

1. Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to —

- (a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organisation;
- (b) cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employees' organisation or because of participation in the normal activities of such an organisation.

### Article 5

1. Public Employees' organisations shall enjoy complete independence from public authorities.

2. Public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration.

3. In particular, acts which are designed to promote the establishment of public employees' organisations under the direction of a public authority,



or to support public employees' organisations by financial or other means, with the object of placing such organisations under the control of public authority, shall be deemed to constitute acts of interference within the meaning of this Article.

### **PART III. FACILITIES TO BE AFFORDED TO PUBLIC EMPLOYEES' ORGANISATIONS**

#### Article 6

1. Such facilities shall be afforded to the representatives of recognised public employees' organisations as may be appropriate in order to enable them to carry out their functions promptly and efficiently, both during and outside their hours of work.

2. The granting of such facilities shall not impair the efficient operation of the administration or service concerned.

3. The nature and scope of these facilities shall be determined in accordance with the methods referred to in Article 7 of this Convention, or by other appropriate means.

### **PART IV. PROCEDURES FOR DETERMINING TERMS AND CONDITIONS OF EMPLOYMENT**

#### Article 7

Measures appropriate to national conditions shall be taken, where necessary to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

### **PART V. SETTLEMENT OF DISPUTES**

#### Article 8

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.

### **PART VI. CIVIL AND POLITICAL RIGHTS**

#### Article 9

Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

### **PART VII. FINAL PROVISIONS**

#### Article 10

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

\*Article 11 paras. 1 and 2 on p. 5.

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

#### Article 12

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 13

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 14

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 15

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 16

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 12 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 17

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

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-fourth Session which was held at Geneva and declared closed the twenty-eighth day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978.

#### \*Article 11

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.

\*para. 3 on page 4.

**RECOMMENDATION CONCERNING PROCEDURES FOR DETERMINING CONDITIONS OF EMPLOYMENT  
IN THE PUBLIC SERVICE.**

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

Having decided upon the adoption of certain proposals with regard to  
freedom of association and procedures for determining conditions  
of employment in the public service, 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 Labour Relations (Public Service) Convention,  
1978,

adopts this twenty-seventh day of June of the year one thousand nine hundred and  
seventy-eight the following Recommendation, which may be cited as the Labour  
Relations (Public Service) Recommendation, 1978:

1.(1) In countries in which procedures for recognition of public employees' organisations apply with a view to determining the organisations to be granted, on a preferential or exclusive basis, the rights provided for under Parts III, IV or V to the Labour Relations (Public Service) Convention, 1978, such determination should be based on objective and pre-established criteria with regard to the organisations' representative character.

(2) The procedures referred to in subparagraph (1) of this Paragraph should be such as not to encourage the proliferation of organisations covering the same categories of employees.

2.(1) In the case of negotiation of terms and conditions of employment in accordance with Part IV of the Labour Relations (Public Service) Convention, 1978, the persons or bodies competent to negotiate on behalf of the public authority concerned and the procedure for giving effect to the agreed terms and conditions of employment should be determined by national laws or regulations or other appropriate means.

(2) Where methods other than negotiation are followed to allow representatives of public employees to participate in the determination of terms and conditions of employment, the procedure for such participation and for final determination of these matters should be determined by national laws or regulations or other appropriate means.

3. Where an agreement is concluded between a public authority and a public employees' organisation in pursuance of Paragraph 2, subparagraph (1), of this Recommendation, the period during which it is to operate and/or the procedure whereby it may be terminated, renewed or revised should normally be specified.

4. In determining the nature and scope of the facilities which should be afforded to representatives of public employees' organisations in accordance with Article 6, paragraph 3, of the Labour Relations (Public Service) Convention, 1978, regard should be had to the Workers' Representatives Recommendation, 1971.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-fourth Session which was held at Geneva and declared closed the twenty-eight day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978.