Nordic ILO Report August 2008

Ratifications by the Nordic Countries of the ILO Conventions adopted in the period 1980 - 2007

Report by the Nordic Trade Unions Cofederations affliated to the Council of Nordic Trade Unions (NFS)

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Content

I. Introduction

II. The Nordic countries and the ILO Conventions

III. The national ILO work

IV. Ratification of ILO Conventions

V. Review of the ILO Conventions adopted 1980 – 2007

VI. Comments on the ILO Conventions adopted 1980 – 2007

ANNEX: The list of the up-to date-Conventions

I. Introduction

The Nordic ILO group submits this report. The group is consisting of the representatives in charge of ILO matters in the trade union confederations which are members of the Council of Nordic Trade Unions (NFS).

The members of the Nordic ILO group at present are:

Ulf Edström (The Swedish Trade Union Confederation, LO), Lars Bengtsson (The Swedish Confederation for Professional Employees, TCO), Hans-Dieter Grahl (The Swedish Confederation of Professional Associations, SACO), Marjaana Valkonen (The Central Organisation of Finnish Trade Unions, SAK), Katja Lehto-Komulainen (The Central Organisation of Finnish Trade Unions, SAK), Heli Ahokas (Finnish Confederation of Professionals STTK), Liisa Folkersma (Confederation of Unions for Professional and Managerial Staff in Finland, Akava), Trine Lise Sundnes (The Norwegian Confederation of Trade Unions, LO), Karin Beate Theodorsen (The Norwegian Confederation of Trade Unions, LO), Åshild Olaussen (The Confederation of Unions for Professionals, Unio Norway), Dag Björnar Jonsrud (The Confederation of Vocational Unions, YS Norway), Jens Erik Ohrt (The Danish Confederation of Trade Unions, LO), Jens Wiene (The Confederation of Professionals in Denmark, FTF) and Magnùs M. Norddahl (Icelandic Confederation of Labor, ASI).

The Nordic ILO Report

In the beginning of the 1990´s employers and conservative governments, also in Nordic countries, questioned more and more the standard-setting system of the ILO. They argued that there was a decline in the number of ratifications of new ILO Conventions, which in itself showed that the ILOs system of standard-setting was more or less outdated. In order to be able to take part in this debate, it is important from a trade union point of view to carry out a Nordic study. The Nordic ILO group has therefore looked closely at the scope of ratification by the Nordic countries of ILO Conventions adopted in the period 1980 - 2007.

The Nordic Report is based on reports from the Nordic trade unions reflecting discussions in national ILO committees and statistical material from the ILO. The review shows which conventions the Nordic countries have ratified and which conventions have caused ratification problems and the reasons why the conventions are not ratified .

This present study is an update of earlier studies in October 1998 and in April 2001, which covered Conventions adopted by the ILO during the period 1980 – 1999. The aim of this report is -to find out more information about the reasons and arguments used against a ratification of the ILO Convention in question and encourage a national discussion within the Nordic countries on non-ratified ILO Conventions and hopefully leading to new ratifications.

Conclusions drawn by the previous Reports in 1998 and 2001:

1) *Consideration of and adjustment to the European Union (EU) and its standard-setting activities has unfortunately in several cases worked against ratification of the ILO Conventions. There has been uncertainty as to what mandate the European Commission has in relation to the ILO. New norm conflicts between the ILO norms and the EU norms have arisen recently because of new jurisprudence of the European Court of Justice on certain cases.*
2) *Nordic governments and also Nordic employer organisations tend to favor general ILO Conventions compared to sectoral conventions - with the exception of the maritime sector.*
3) *Nordic governments are usually keen to ratify a new ILO Convention if one already meets the requirements of the Convention. However, there is less willingness to ratify if it entails amendments to the national legislation.*[1]
4) *The Nordic governments are meticulous regarding decisions on possible ratification. They usually want to ensure that all details of the provisions of the new ILO Convention will be fulfilled. In several cases it has been only one single provision that has prevented ratification.*
5) *The governments have a relatively extensive obligation to report to the ILO Office concerning ratified ILO Conventions. For countries with a high level of ratification this of course entails more work. In certain countries the government officials are thus charged by a heavy workload which has been accentuated by the fact that resources of the ministries have been curtailed.*

We note also with satisfaction that more Nordic ratifications of ILO Conventions have been made since the publication of the previous report in 2001.

We note with some regret that, to our knowledge, similar studies to The Nordic ILO Reports have not been made in other regions in the world.

A Nordic tripartite seminar was held in Stockholm on 18 April 2008, which dealt with the question of norm conflicts between ILO standards and EU standards. Key note speakers were Executive Director Mr. Kari Tapiola from the ILO and Mr. Rudi Delarue from the European Commission. The topic was particularly important because of the recent jurisprudence from the European Court of Justice on cases Viking, Laval and Rüffert. Ulf Edström from the Swedish Trade Union Confederation (LO) raised the importance of ratifying all up-to–date ILO conventions listed by the ILO. The Convention no. 94 on Labour clauses in public procurement, being one of the up-to-date conventions, was discussed in the Committee on the Application of Standards in the International Labour Conference this year. The list of the up-to-date ILO Conventions is enclosed to this report.

[1] The terminology used at the national level is often quite misleading, as the term ”obstacles to ratification” is used not only in cases where there is a genuine obstacle to ratification, but also in cases where even minor amendment is required to national regulations or legislation. The purpose of the ILO and its standards-setting is of course that Member States should adapt/improve national rules if necessary to the ILO standards.

We would like to stress the importance of the existence of national tripartite ILO Committees, which provide a forum for discussions nationally on ILO standards-related matters.

II. The Nordic countries and the ILO Conventions

The International Labour Organization (ILO) has since its establishment in 1919 adopted 188 International Conventions on labour law and working conditions.

Denmark, Norway and Sweden have been members of the ILO since its foundation in 1919. Finland joined in 1920, and Iceland in 1945.

The Nordic countries have ratified and implemented a large number of the ILO Conventions that are in force: Denmark 62 Conventions, Finland 82 Conventions, Iceland 20 Conventions, Norway 90 Conventions, and Sweden 77 Conventions (Fig. 1).

Fundamental ILO Conventions
In 1995 the ILO launched a campaign to have all Member States to ratify the fundamental ILO Conventions. All the Nordic countries have ratified all eight fundamental ILO Conventions (**Fig. 1**).

Fig. 1: Nordic ratification of fundamental ILO Conventions.

ILO Convention	no.	Year		DEN	FIN	ISL	NOR	SWE
Forced Labour	29	1929		1932	1936	1958	1932	1931
Freedom of Association	87	1948		1951	1950	1950	1949	1949
Right to Organize	98	1949		1955	1951	1952	1955	1950
Equal Remuneration	100	1951		1960	1963	1958	1959	1962
Abolition of Forced Labour	105	1957		1958	1960	1960	1958	1958
Non-Discrimination	111	1958		1960	1970	1963	1959	1962
Minimum Age	138	1973		1997	1976	1999	1980	1990
Worst Forms - Child Labour	182	1999		2000	2000	2000	2000	2001
Ratified Conventions that are in force				62	82	20	90	77

The **priority Conventions** are Labour Inspection Convention Nr. 81, Employment Policy Convention Nr. 122, Labour Inspection (Agriculture) Convention Nr. 129 and Tripartite Consultation Convention Nr.144. Denmark, Finland, Sweden and Norway have ratified all priority Conventions. Iceland has ratified Convention Nr. 122 and Convention Nr. 144.

Based on the results of the Working Party on the Policy of Revision of Labour Standards (WP/PRS), that worked during 1995 – 2002, and follow-up action in the

Committee on Legal Issues and International Labour Standards (LILS) - the Governing Body finally adopted in November 2007 a list of ILO conventions that were regarded as up-to-date (see Annex). All the Nordic National ILO Committees should carefully consider the list and take actions based on it. In addition the Commission of the European Union, in its Renewed Social Agenda launched on 2 July 2008, recommended the EU Member States to ratify, as an example, all the up-to-date conventions.

This report concentrates on Conventions adopted in 1980-2007. There is a variation in the number of ratified ILO Conventions in the individual Nordic countries. Among the Nordic countries **Finland**, **Norway** and **Sweden** have ratified the largest number of ILO Conventions. In **Denmark** the labour market is regulated primarily by the social partners and much has therefore been left to collective bargaining procedures. **Iceland** has been restrictive in ratifying the ILO Conventions, and thus has only ratified a relative small number of Conventions. Since the Nordic ILO Reports have been published the Government of Iceland has shown signs of being less restrictive. The size and capacity of the Government of Iceland and the fact that Iceland became a member of the ILO 25 years later compared to the other Nordic countries might to some degree have affected the total number of ratifications.

III. The national ILO work

The national ILO work is done in the national ILO Committees. In the Nordic countries there are the following national ILO Committees:

Since 1954 there has been a permanent ILO Committee under the Ministry of Labour in **Denmark**, consisting of representatives of the Ministry of Labour, DA, the National Association of Local Authorities in Denmark and LO, FTF and AC. The Committee works on the basis of the model set out in Convention no. 144 on tripartite consultation to promote ILO Standards. The Committee meets three to four times per year and deals with current ILO matters including ratification of ILO Conventions. The ILO Committee is currently in a process of examining the non-ratified ILO Conventions adopted during the last 20 years.

The **Finnish** ILO Committee was established in 1977 and it works in accordance with the provisions of ILO Convention no. 144. The Committee´s secretariat is located in the Ministry of Employment and the Economy. The ILO Committee consists of the representatives of the Ministry of Employment and the Economy, the Ministry for Foreign Affairs and the Ministry of Social Affairs and Health. The workers are represented by two representatives from the SAK and one from the STTK and one from Akava. The employers are represented by the Confederation of Finnish Industries EK, the Commission for Local Authority Employers and the State Employer´s Office. The Committee meets five to six times a year, deals with current ILO matters including the ratification of ILO Conventions and the reports concerning the application of the Conventions. The items are prepared in the steering group and the working group on standards. The ILO Committee examines possibilities to ratify non-ratified Conventions. Last survey was made in 2002. New survey should be carried out shortly in order to consider the possibilities to ratify all the up-to-date Conventions.

The permanent Committee in **Iceland** is located in the Ministry of Social Affairs, comprising representatives from the ASI, the Icelandic employers' association (SA) and the Ministry. Based on the substance of each case, the committee invites representatives and specialists from various sections of the labour market and government to participate in the committee work. The work is based on Convention no. 144 on tripartite consultation to promote ILO standards. The Committee meets at least ten to twelve times a year and deals with the current ILO matters including ratification of ILO Conventions. The Icelandic ILO work was slow and irregular after first having started in 1985. In 1985 ASI immediately submitted a proposal for the systematic review of ILO Conventions with a view to possible ratification. That work was never finished due to repeated changes in government and its representation in the committee. Now the aim is to revi this work. It is important to mention that the Icelandic ILO Committee is working under particularly difficult conditions because the Committee also has to deal with all the questions concerning the Social Charter of the Council of Europe. The Committee's working time is therefore very limited and the Committee's access to expertise and assistance at the Ministry is very restricted.

In **Norway** there has been a permanent ILO Committee since 1947 – first under the Ministry of Health and Social Affairs, later under the Ministry of Local Government and Regional Development and recently under the Ministry of Labour and Social Inclusion. The Committee consists of representatives from the Ministry/Directorate of Labour Inspection, LO, Unio and YS (workers) and NHO, KS, Spekter, HSH (employers). The Norwegian Seamen's Union represents the trade union movement when the Committee is dealing with Maritime Conventions. The Committee works in accordance with the model laid down in Convention no. 144 on tripartite consultation for the promotion of ILO standards. The Committee deals with the current ILO matters concerning ratification of ILO Conventions and ILO matters in general and meets two to three times per year.

In **Sweden** a tripartite "delegation for international socio-political co-operation" was set up in 1927 and since 1962 it is called the "ILO Committee". The Committee works in accordance with ILO's Convention no. 144. The government appoints the members for a two-year period after nominations by the parties. The government, employers and workers each have three members plus deputies. The chairman has traditionally been the Undersecretary of State but that changed in 2007 during the liberal-conservative government and now a head of department from the Ministry of Labour has that function. The employers are represented by Svenskt Näringsliv (Confederation of Swedish Enterprise) and the Swedish Association of Local Authorities and Regions (SALAR) and the workers by LO, TCO and SACO. The Committee meets six to seven times per year. In addition to dealing with current ILO matters, the ILO Committee also acts as a consultative body for government reports and issues statements on whether the report proposals are in agreement with ILO standards.

IV. Ratification of ILO Conventions

ILO Constitution
In accordance with the ILO Constitution article 19 each member country is obliged within 12 months – in some cases 18 months – after the adoption of the International Labour Conference, to submit the adopted Conventions (and Recommendations) and proposals to the competent assembly in the country, normally the national parliament. A national review shall be made in order to investigate whether the country can assume the obligations in the Conventions. The government shall, in compliance with the ILO's tripartite structure, consult with the recognized parties in the national labour market.

In this context, the Icelandic government did not fulfill ILO's rules as it normally only submitted reports on new ILO instruments to parliament – without any concrete proposal to ratify or not to ratify. ASI drew the attention of the Committee of Experts to the procedure used by the Icelandic government. In its 2006 report the Committee noted that the *"…… reports tabled before Parliament do not contain any proposals on the measures which might be taken for the enactment of legislation or other action. It recalls that an essential point to bear in mind is that at the time of or subsequent to the submission to Parliament of the instruments adopted by the Conference, governments should either indicate the measures that might be taken to give effect to the instruments that are submitted, or propose that no action should be taken or that a decision should be postponed…..*" The procedure has now been changed in Iceland.

The system of reporting
In accordance with the ILO Constitution article 22 the ILO Member States should regularly submit reports to the ILO concerning the implementation of ratified ILO Conventions. Member States are obliged to "*make an annual report to the ILO on the measures which it has taken to give effect to the provisions of Conventions to which it is a party*".

The ILO's supervisory body may at any time request detailed reports whenever it is necessary to follow a situation with particular attention.

Consultations with the social partners
In accordance with the ILO Constitution article 23 Member States should submit copies of all reports to the ILO to the most representative workers´ and employers´ organisations giving them the opportunity to add their own comments to the government's report to the ILO.

Application of standards
In accordance with the ILO's tripartite system the Member States and the social partners should ensure that the ILO Conventions are applied properly in the national labour market. As a starting point the Member States may freely choose the means to implement the provisions of the Conventions. Several ILO Conventions expressly state that the Member States may implement them by means of legislation, administrative regulations, collective agreements or a combination thereof.

V. Review of the ILO Conventions adopted 1980-2007

During the period 1980 to 2007 the ILO adopted 36 Conventions. Of these Conventions **Denmark** has ratified 9 Conventions, **Finland** 23 Conventions, **Iceland** 4 Conventions, **Norway** 17 Conventions and **Sweden** 22 Conventions (**Fig. 2**).

Fig. 2: ILO Conventions adopted in the period 1980-2007 and ratified by the Nordic countries.[2]

No.		ILO Conventions 1980-2007	Year	DEN	FIN	ISL	NOR	SWE
154		Collective bargaining	1981	-	1983	-	1982	1982
155		Occupational safety and health	1981	1995	1985	1991	1982	1982
156		Workers with family responsibilities	1981	-	1983	2000	1982	1982
157		Maintenance of social security rights	1982	-	-	-	-	1984
158		Termination of employment	1982	-	1992	-	-	1983
159		Vocational rehabilitation (Disabled)	1983	1985	1985	1990	1984	1984
160		Labour statistics	1985	1988	1987	-	1987	1986
161		Occupational health services	1985	-	1987	-	-	1986
162		Asbestos	1986	2006	1988	-	1992	1987
163		Seafarers' welfare	1987	1993	1992	-	1993	1990
164		Health and medical care (Seafarers)	1987	-	1995	-	1999	1990
165		Social Security (Seafarers)	1987	-	-	-	-	-
166		Repatriation of seafarers	1987	-	-	-	-	-
167		Safety and health in construction	1988	1995	1997	-	1991	1991
168		Employment promotion	1988	-	1990	-	1990	1990
169		Indigenous and tribal peoples	1989	1996	-	-	1990	-
170		Chemicals	1990	-	-	-	1993	1992
171		Night work	1990	-	-	-	-	-
172		Working conditions (Hotels-Restaur.)	1991	-	-	-	-	-
173		Protection of workers' claims	1992	-	1994	-	-	-
174		Prevention of major industrial accidents	1993	-	-	-	-	1994
175		Part-time work	1994	-	1999	-	-	2002
176		Safety and health in mines	1995	-	1997	-	1999	1997
177		Home work	1996	-	1998	-	-	-
178		Labour inspection (Seafarers)	1996	-	1999	-	1999	2000
179		Recruitment and placement (Seafarers)	1996	-	1999	-	1999	-
180		Seafarers' hours of work/Manning	1996	2003	2002	-	2003	2000
181		Private Employment Agencies	1997	-	1999	-	-	-

[2] At the International Labour Conference in 1996 a Protocol to the C. 147 Merchant Shipping (Minimum Standards) Convention (1976) was adopted, which enlarges the list of ILO conventions referred to in the Annex to the Convention. The Protocol has been ratified by 23 countries. It was ratified by **Sweden** on 15 December 2000, by **Finland** on 4 July 2002, by **Denmark** on 10 July 2003 and by **Norway** on 27 April 2006.

182		Worst Forms of Child Labour	1999	2000	2000	2000	2000	2001
183		Maternity Protection	2000					
184		Safety and Health in Agriculture	2001		2003			2004
185		Seafarers´ Identity Documents (Rev.)	2003					
MLC		Maritime Labour Convention	2006					
187		Promotional Framework for OSH	2006		2008			2008
188		Fishing	2007					
		Total from 1980-per 30, September 2008		9	23	4	17	22

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VI. Comments on the ILO Conventions adopted 1980-2007

The review of the ILO Conventions adopted in the period 1980-2007 shows when a Convention was adopted, when it came into force and when it was ratified by the Nordic countries. If the Convention has not been ratified the reasons are reported below.

1. C. 154 - Collective bargaining (1981)

Convention on collective bargaining.

The Convention was adopted at the International Labour Conference in 1981. The Convention came into force on 11 August 1983 andhas been ratified by 38 countries. The Convention was ratified by **Norway** on 22 June 1982, by **Sweden** on 11 August 1982 and by **Finland** on 9 February 1983.

The Convention is intended to promote the use and spread of free collective bargaining in the national labour market for all workers including public service. The Convention urges the member States to strengthen the system of collective bargaining, including strengthening the ILO's fundamental Convention no. 98 concerning the implementation of the principles of the right to organize and conduct free collective bargaining.

Denmark: The Convention has been dealt with by the permanent ILO Committee. According to the Ministry of Labour there are problems concerning the contents of article 5, paragraph 2 (A), in that there is doubt as to the scope of this regulation as well as doubt concerning the contents of the obligations under article 5, paragraph 1.

The intention of Article 5 is to ensure access to collective bargaining for all groups of wage earners in the various sectors covered by the Convention. The question is, whether any group of workers may request serious negotiations with the employer, or whether the employer is entitled to refuse negotiations with reference to the fact that negotiations have taken place with or the employer wishes to negotiate with another group (trade union) that also represents those concerned.

Iceland: The Convention has not been dealt with.

2. C. 155 – Occupational Safety and Health (1981)

Convention concerning occupational safety and health and the working environment.

The Convention was adopted at the International Labour Conference in 1981. The Convention came into force on 11 August 1983 and has been ratified by 52 countries. The Convention was ratified by **Norway** on 22 June 1982, by **Sweden** on 11 August 1982, by **Finland** on 24 April 1985, by **Iceland** on 21 June 1991 and by **Denmark** on 10 July 1995.

The convention provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and within enterprises to promote occupational safety and health and to improve working conditions. This policy should take into consideration national conditions and practice.

Protocol to C. 155 (2002)

The Protocol was adopted at the International Labour Conference in 2002. It has been ratified in 5 countries. **Finland** ratified the Protocol on 9 December 2003 and **Sweden** on 15 June 2007.

The Protocol calls for the establishment and the periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases, and for the publication of related annual statistics.

3. C. 156 - Workers with family responsibilities (1981)

Convention concerning equal opportunities for and equal treatment of male and female workers: workers with family responsibilities.

The Convention was adopted at the International Labour Conference in 1981. The Convention came into force on 11 August 1983 and has been ratified by 40 countries. The Convention was ratified by **Norway** on 22 June 1982, by **Sweden** on 11 August 1982, by **Finland** on 9 February 1983 and by **Iceland** on 22 June 2000.

The Convention applies to male and female workers with family responsibilities. The Convention is intended to create equal opportunities for men and women, by means of elaborating a national labour market policy with family aspects that allow workers with family responsibilities to become and remain integrated in the working-life. The Convention requires governments to take account of the needs of such workers in community planning and to develop or promote community services such as childcare and family services and facilities.

Denmark: The Convention has been dealt with by the permanent ILO Committee. Article 8 has proved to be an obstacle to ratification of the Convention.

The content of Article 8 stating: "family responsibilities shall not constitute a valid reason for the termination of employment", is in conflict with Danish law. In Denmark it is not illegal to lay down requirements of that type if, for instance, the applicant for a certain job is married and childless – it is only forbidden to apply such requirements to only one sex.

The permanent ILO Committee decided on the basis of the existing situation to close the matter with reference to Article 8 and Danish law. The question of a revision of the Convention has subsequently been discussed, but the Ministry of Labour is of the opinion that the ILO Convention no. 111 on discrimination (1958) covers the area to a considerable extent. Denmark ratified Convention no. 111 in 1960.

4. C. 157 - Maintenance of social security rights (1982)

Convention on maintenance of social security rights.

The convention was adopted at the International Labour Conference in 1982. The Convention came into force on 11 September 1986 and has been ratified by 4 countries. **Sweden** ratified the Convention on 18 April 1984.

The Convention provides for certain social security rights and benefits for migrant workers, who face the problem of losing entitlements to social security benefits which they enjoyed in their country of origin, and provides for the maintenance of social security rights in accordance with the principles of the ILO Convention no. 102 (1952) on social security. The Convention covers all general and obligatory social security systems, including medical care, sickness insurance, help in connection with invalidity, disability, old-age pension, unemployment benefits, compensation for occupational accidents and various forms of social security for the family.

Denmark: The Ministry of Social Affairs is against ratification of the Convention, as it would open up the possibility that Denmark, for instance, also should pay pension to citizens of countries with which Denmark has no mutual agreements.

Norway: Ratification of this Convention would require that foreign seafarers on Norwegian vessels would be subject to the Norwegian social security legislation. This is against the wishes of the shipping industry, which states that this entails a risk of increased registration under flags of convenience such as Panama and Liberia. The Seamen's union is also against ratification.

Finland: The government proposed ratification as early as in 1984. The parliamentary constitutional committee, however, rejected the ratification. The parliamentary constitutional committee was of the opinion that the ratification would have required legislative amendments. The question has not advanced since then. The question should be addressed when the national ILO Committee next time examines possibilities to ratify rest of the non-ratified Conventions. Last survey was made in 2002. New survey should be carried out shortly in order to consider the possibilities to ratify all the up-to-date Conventions.

Iceland: The Convention has not been dealt with.

5. C. 158 - Termination of employment (1982)

Convention on termination of employment on the initiative of the employer.

The Convention was adopted at the International Labour Conference in 1982. The Convention came into force on 23 November 1985 and has been ratified by 34[3] countries. The Convention was ratified by **Sweden** on 20 June 1983 and by **Finland** on 30 June 1992.

The Convention sets forth the principle that the employment of a worker should not be terminated unless there is a valid reason for such termination connected with the worker´s capacity or conduct or based on the operational requirements of the undertaking, establishment or service. Invalid reasons include those based on union membership or participation in union activities, filing a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, or absence from work during maternity leave. If an individual worker is dismissed, he or she shall have the right to defend him or herself against any allegations. In cases of collective dismissals, governments should aim at encouraging employers to consult workers´ representatives and to develop alternatives to mass lay-offs. The Convention also covers matters related to severance pay, period of notice, appeal procedures against dismissals, and unemployment insurance, and advance warning to be given to authorities in cases of mass dismissals.

Denmark: The Convention has been considered by the respective ministries and the social partners and has been dealt with by the permanent ILO committee. In Denmark there is no general law covering dismissals. The Danish employer's confederation has expressed concern regarding ratification and the individual ministries have not taken any unanimous position as regards ratification or not.

Iceland: The Convention was first discussed by the national ILO Committee in 1985. The government prepared a legal report concerning the Convention and the possibility of ratification, which showed that a ratification of the convention would require a fundamental amendment to present law governing notice of termination in Iceland. ASI has demanded further work on ratification but the employers have completely rejected ratification. The latest attempts were made in 2001 and again in 2006 but without results. In collective demands of all ASI affiliates and under the last negotiations on renewal of collective agreements (01.2008) the matter was raised again. Progress was made to increase worker protection but the rules that apply are still quite unlike those of ILO 158, and quite frankly it is debated within the movement if ILO 158 should be pushed any further.

Norway: At present provisions on notice of termination in the Employment at Sea Act can be overridden by collective agreement, which is also done. This procedure, which is guaranteed by the law on the Norwegian international shipping register, would not be possible to apply in the event of a Norwegian ratification. The Norwegian Seamen's Union and the LO are in agreement that the Convention should not be ratified.

[3] Brazil ratified C. 158 in 1995, but denounced it one year later.

6. C. 159 – Vocational Rehabilitation and Employment (Disabled) (1983)

Convention concerning vocational rehabilitation and employment (disabled persons).

The Convention was adopted at the International Labour Conference in 1983. The Convention came into force on 20 June 1985 and has been ratified by 80 countries. The Convention was ratified by **Finland** on 24 April 1984, by **Sweden** on 12 June 1984, by **Norway** on 13 August 1984, by **Denmark** on 1 April 1985 and by **Iceland** on 22 June 1990.

The Convention sets forth the principles of national policy for the vocational rehabilitation and employment of persons with disabilities and provides for the setting up and evaluation of vocational guidance, vocational training, placement and unemployment services for persons with disabilities.

7. C. 160 - Labour statistics (1985)

Convention on labour market statistics.

The Convention was adopted at the International Labour Conference in 1985. The Convention came into force on 24 April 1988 and has been ratified by 46 countries. The Convention was ratified by **Sweden** on 22 September 1986, by **Finland** on 27 April 1987, by **Norway** on 6 August 1987 and by **Denmark** on 20 January 1988.

The Convention deals with the preparation of national labour market statistics. Under the Convention the member States are obliged to collect and work out annual labour market statistics focusing on such things as the national economy, employment and unemployment including labour market structure, working hours, wage structure, labour costs, occupational injuries, labour disputes and the general distribution of welfare, average income and consumer price index.

Iceland: The national ILO Committee has not dealt with the Convention.

8. C. 161 - Occupational health services (1985)

Convention on occupational health services.

The Convention was adopted at the International Labour Conference in 1985. The Convention came into force on 17 February 1988 and has been ratified by 27 countries. The Convention was ratified by **Sweden** on 1 July 1986 and by **Finland** on 27 April 1987.

The Convention deals with occupational health services through general prevention of ill-health with the intention of ensuring a safe and healthy working environment. In co-operation with the social partners a national policy in the area is to be drawn up for health services for all employed in the labour market.

Denmark: The Convention has been dealt with by the permanent ILO committee. The Ministry of Labour states that the Convention cannot be ratified because of Article 3.

Under Article 3 the Member State is to take measures to guarantee medical examination of all workers in the labour market. According to the Ministry of Labour not all workers in Denmark are covered by the occupational health services.

Norway: The Convention has still not been ratified. LO is strongly in favour of ratifying this Convention. The committee set up to consider the future of the occupational health services presented its report in 2001. The committee was in favour of the need to give all workers access to occupational health services. It is currently unlikely that Norway will ratify the Convention.

Iceland: The national ILO Committee has dealt with the Convention but so far no decision on the matter has been taken.

9. C. 162 – Asbestos (1986)

Convention on security and health when using asbestos.

The Convention was adopted at the International Labour Conference in 1986. The Convention came into force on 16 June 1989 and has been ratified by 32 countries. The Convention was ratified by **Sweden** on 2 September 1987, by **Finland** on 20 June 1988, by **Norway** on 4 February 1992 and by **Denmark** on 18 December 2006.

The Convention deals with security and health when using asbestos. National legislation in this area is to be prepared, with regulations and procedures concerning the precautions to be taken in connection with the use of asbestos. A system of supervision for the labour market, with reference to control of the use of asbestos and efficient handling of safety rules, is to be established.

Iceland: ASI has proposed ratification but without results. Main obstacles have not been identified.

10. C. 163 - Seafarers' welfare (1987)

Convention on seafarers' welfare at sea and in harbour.

The Convention was adopted at the International Labour Conference in 1987. The Convention came into force on 30 October 1990 and has been ratified by 16 countries. The Convention was ratified by **Sweden** on 21 February 1990, by **Finland** on 30 June 1993, by **Norway** on 26 November 1993 and by **Denmark** on 16 September 1993.

Under the Convention the member states ensure that seafarers' welfare at sea and in harbour is sufficient. The member state undertakes to put the necessary facilities at the disposal of seafarers in harbours and to make checks and log them on a current basis.

Iceland: The national ILO Committee has not dealt with the Convention.

NB: Convention 163 has been revised by the Maritime Labour Convention (2006).

11. C. 164 - Health protection and medical care (seafarers) (1987)

Convention on health protection and medical care.

The Convention was adopted at the International Labour Conference in 1987. The Convention came into force on 11 January 1991 and has been ratified by 14 countries. The Convention was ratified by **Sweden** on 21 February 1990, by **Finland** on 17 January 1995 and by **Norway** on 11 June 1999.

The Convention prescribes that measures are to be taken through national legislation or administrative regulations for the purpose of bringing about health protection and medical care for seafarers. Seafarers are to be guaranteed health protection levels equivalent to those of workers in the rest of the labour market. The Convention requires, for example, the ship to be equipped with the necessary medicines in accordance with the guidelines established by the international Medical Guide for Ships and the List of Essential Drugs from WHO.

Denmark: The ratification process is still being examined by the Maritime Authority.

Iceland: The national ILO committee has dealt with the Convention, but no decision has as yet been taken.

NB: Convention 164 has been revised by the Maritime Labour Convention (2006).

12. C.165 - Social Security (seafarers) (1987)

Convention on social security.

The Convention was adopted at the International Labour Conference in 1987. The Convention came into force on 2 July 1992 and has been ratified by 3 countries.

The Convention covers social protection for seafarers. In accordance with national legislation or practice social protection is to be provided for seafarers, including medical help, sickness insurance, unemployment benefits, old-age pension and benefits with regard to invalidity, pregnancy and childbirth.

Denmark: One of the reasons that the Danish Government does not want to ratify the Convention is that a seafarer from the ratifying countries under certain conditions gets full access to Danish unemployment benefits and old age pensions.

Finland: The ratification of the Convention was examined by the Advisory Board for Maritime Questions in 2002. There were no formal obstacles found to the ratification but the Board did not recommend the ratification.

Iceland: The national ILO Committee has dealt with the Convention, but no decision has yet been made.

Norway: The requirements of the Convention are not in line with Norwegian social security legislation in that the rules for unemployment benefits do not equate Norwegian

and foreign seafarers. Foreign seafarers are assumed to have unemployment benefits from their respective home country. The Norwegian Seamen's Union and LO do not wish the ratification of this Convention. This is also in agreement with the demands of the international trade secretariat (ITF) of the seafarer´s organisations.

Sweden: A Swedish ratification would require legislative amendments, which would cost the state and especially the ship-owners great amounts of money. A major report was prepared and submitted to the Ministry of Transport and Communications in 1991. On several occasions LO has demanded a Swedish ratification.

NB: Convention 165 has been revised by the Maritime Labour Convention (2006).

13. C. 166 - Repatriation of seafarers (1987)

Convention on seamen's repatriation.

The Convention was adopted at the International Labour Conference in 1987. The Convention came into force on 3 July 1991 and has been ratified by 13 countries.

The Convention deals with the right to repatriation for seafarers. The Convention covers employees in all types of vessels registered in the home country and engaged in commercial shipping and fishing. By means of legislation or administrative regulations, measures must be established that guarantee the repatriation of seafarers, particularly in connection with termination of employment, the expiry of a contract period, sickness, shipwreck, sale or bankruptcy of a vessel and in connection with transport in war zones.

Denmark: The Ministry of Industry does not wish to change the rules that were established in collective agreements between the social partners.

Finland: The possibility of ratifying the Convention was examined by the Advisory Board for Maritime Questions in 2001. The ratification would have required changes to the legislation.

Iceland: The Convention has not been dealt with.

Norway: The Convention is in conflict with law and practice in Norway. The Convention conflicts with provisions of the Norwegian Employment at Sea Act on repatriation. The Act confers the right to repatriation for seafarers who are citizens of Norway or another EES country. The rights do not apply to seafarers outside the EES as in the ILO Convention. The Norwegian authorities will not prepare any ratification despite the fact that the Norwegian Seamen's Union and the LO are in favour of this.

Sweden: Swedish ratification would require legislative amendments, which would cost the state and especially the ship-owners great amounts of money. A major report was prepared and submitted to the Ministry of Transport and Communications in 1991. On several occasions LO has demanded a Swedish ratification.

NB: Convention 166 has been revised by the Maritime Labour Convention (2006).

14. C. 167 - Safety and health in construction (1988)

Convention on safety and health within the construction industry.

The Convention was adopted at the International Labour Conference in 1988. The Convention came into force on 11 January 1991 and has been ratified by 23 countries. The Convention was ratified by **Norway** on 24 June 1991, by **Sweden** on 7 November 1991, by **Denmark** on 10 June 1995 and by **Finland** on 23 January 1997.

The Convention deals with safety and health within the construction industry. After consultation with the social partners the Member States undertake to introduce and maintain regulation in the area with respect to safety and health, upholding of technical standards or practice in the construction sector. The construction sector is defined as including building, design, renovation, repairs, maintenance and demolition of buildings etc.

Iceland: ASI has presented a proposal that the ratification process should be started but without results.

15. C. 168 - Employment and protection against unemployment (1988)

Convention on promotion of employment and protection against unemployment.

The Convention was adopted at the International Labour Conference in 1988. The Convention came into force on 17 October 1991 and has been ratified by 7 countries. The Convention was ratified by **Norway** on 19 June 1990, by **Sweden** on 18 December 1990 and by **Finland** on 19 December 1990.

The Convention is intended to promote employment and ensure protection against unemployment. The Member State undertakes, on ratifying the Convention, in collaboration with the social partners, to prepare a labour market and employment policy and a social security system that protects against unemployment.

Denmark: The Convention has been dealt with by the permanent ILO committee. The Ministry of Labour still maintains that there is no basis for ratification of the Convention because Denmark cannot guarantee the level of protection laid down by the Convention.

Iceland: The Convention has not been dealt with.

16. C. 169 - Indigenous and tribal peoples (1989)

Convention on indigenous and tribal peoples.

The Convention was adopted at the International Labour Conference in 1989. The Convention came into force on 5 September 1991 and has been ratified by 20 countries. The Convention was ratified by **Norway** on 19 June 1990 and by **Denmark** on 22 June 1996.

The Convention applies to indigenous and tribal peoples and revises C. 107 (1957) and provides for consultation and participation of indigenous and tribal peoples with regard to policies and programmes that may affect them. The Convention is intended, within the framework of national legislation and regulations and in co-operation with the indigenous people, to take special measures aimed at ensuring effective protection of employment and employment conditions. At the same time access to employment and social insurance systems and education are to be guaranteed, with respect for the special social, cultural and religious values of these peoples.

Finland: The possibility of ratifying the Convention has been examined many times. The Working Group on Standards of the ILO Committee did not recommend the ratification in 2002. The question should at least be addressed when the national ILO Committee next time examines possibilities to ratify rest of the non-ratified Conventions. Last survey was made in 2002. New survey should be carried out shortly in order to consider the possibilities to ratify all the up-to-date Conventions. The UN Human Rights Council during the Universal Periodical Review on Finland in 2008 urged the Government to ratify the Convention.

Iceland: The Convention has not been dealt with.

Sweden: The Convention on the rights of indigenous peoples has been regarded by both workers and employers in Sweden as a matter for the UN system – not a matter for the ILO. For that reason the Swedish parties refrained both from submitting an official comment and from participating in the committee that drew up the Convention at the International Labour Conferences. Thus no demands in favour of a Swedish ratification (or against ratification) have been made from the workers.

17. C. 170 – Safety in the Use of Chemicals (1990)

Convention on safety in connection with the use of chemicals at the workplace.

The Convention was adopted at the International Labour Conference in 1990. The Convention came into force on 4 November 1993 and has been ratified by 17 countries. The Convention was ratified by **Sweden** on 4 November 1992 and by **Norway** on 26 November 1993.

The Convention deals with safety in connection with the use of chemicals at the workplace. The Convention applies to all industries where chemicals are used. The member state undertakes, in co-operation with the employers and workers, to formulate, implement and organise an integrated policy for work with chemicals, including the drawing up of guidelines, procedures and classification of chemicals with respect to promoting health at the workplace and in special cases to ban the use of certain chemicals.

Denmark: The Convention has been dealt with by the permanent ILO Committee. The question of ratification of the Convention has been postponed several times due to negotiations in the EU on a Directive for protection of the health and safety of workers from the risks related to chemical agents at work (COM (93) 155).

The Ministry of Labour still finds there are some difficulties concerning the interpretation of article 19 of the Convention (the responsibilities of exporting states to communicate prohibitions).

LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

Finland: A government bill to ratify the Convention was prepared by the Ministry of Labour on the basis of the decision of the ILO Committee but the procedure was delayed by the Ministry of Social Affairs and Health which is now in charge of the matter. The Ministry of Social Affairs and Health should finalise the ratification bill shortly.

Iceland: The Convention was dealt with by the national ILO Committee in 1998, but as yet no decision on the matter has been taken.

18. C. 171 - Night work (1990)

Convention on night work.

The Convention was adopted at the International Labour Conference in 1990. The Convention came into force on 4 January 1995 and has been ratified by 10 countries.

The Convention is aimed at regulating the rights of night workers. The Convention covers all employment with the exception of agriculture, shipping and fishing. Night work is defined as work performed during a period of not less than seven consecutive hours. Including the interval from midnight until 05.00 a.m. The more detailed definition and regulation of night work within the individual industries is to be established in consultation with the social partners. It also requires alternatives to night work to be offered to women for specified periods during and after pregnancy.

Denmark: According to the Convention women should have alternative employment in relation to night work for at least 16 weeks before and after childbirth. In Denmark a workplace evaluation is to be made by a doctor before a person can be moved from night work to day work. The Ministry of Labour cannot recommend Danish ratification on the basis of the current situation.

Finland: There are no formal obstacles to ratification. The question should be addressed when the national ILO Committee next time examines possibilities to ratify rest of the non-ratified Conventions. Last survey was made in 2002. New survey should be carried out shortly in order to consider the possibilities to ratify all the up-to-date Conventions.

Iceland: The Convention has not been dealt with.

Norway: All three parties are in agreement that the provision of this Convention that discriminates workers on the basis of gender is in contravention of the general clause of

the Equal Status Act and that the Convention should not be ratified. The government is currently examining the Convention in relation to Norwegian law.

Sweden: In workers´ opinion there are no real obstacles to ratification. In Sweden there is a general ban on night work. General exceptions from the ban have been made. The ILO Convention on the other hand, allows night work and thereafter regulates it. LO and TCO have called for Swedish ratification, which was refused by the government and employers with reference both to the general ban on night work and to the fact that they wanted to await future EU regulation. In addition it was stated that the ILO Convention meant "regulation of working hours" – which is not the case. The Convention rather deals with the rights night workers should have and where the definition of "night" is intended to identify who is to be regarded as a night worker. As the provisions in ILO Conventions are minimum, an individual country may of course have a wider definition of the night-work period. In 1997 the Swedish trade unions stated in the ILO committee that Sweden should in the future review the possibility of Swedish ratification.

19. C. 172 - Working conditions (Hotels and Restaurants) (1991)

Convention on working conditions in hotels and restaurants and similar operations.

The Convention was adopted at the International Labour Conference in 1991. The Convention came into force on 7 July 1994 and has been ratified by 15 countries.

The Convention deals with working conditions in hotels and restaurants and similar operations. The member state undertakes, after consultation with the social partners, to draw up and implement rules, agreements or similar, so that the working conditions in the sector are improved, including the special regulation of working hours, overtime provisions, rest periods and annual leave. It sets forth the principle that workers should be entitled to a regular wage and not only have to rely on being remunerated by tips from customers.

Denmark: The Convention has been dealt with by the permanent ILO Committee. The Ministry of Labour points out that the Convention is a sector Convention, which on the part of the Danes is not usually found possible to recommend. In addition it is necessary that the social partners can show that the coverage of the agreement is high enough in the area, so that legislation will not be necessary.

Finland: There are no formal obstacles to ratification. The question should be addressed when the national ILO Committee next time examines possibilities to ratify rest of the non-ratified Conventions. Last survey was made in 2002. New survey should be carried out shortly in order to consider the possibilities to ratify all the up-to-date Conventions.

Iceland: The Convention has not been dealt with.

Norway: The Ministry and especially the employers are skeptical to Conventions concerning individual sectors. They point out that the sector is covered by other general Conventions and that provisions of this Convention would be difficult to control. The

employers stress the cyclical fluctuations in the sector and states that the operations must have a good economy in order to follow the Convention. The LO is very much in favour of a ratification.

Sweden: No real obstacles to ratification exist. LO and TCO have called for Sweden to ratify the Convention. It is a question of a political refusal, both under social-democratic and liberal-conservative governments. The Ministry of Labour believes that the text in the Convention was so bad that it did not come up to acceptable ILO standards and that the Convention was so vaguely formulated that it would not be possible to report on application. In addition it was considered that the Convention would be meaningless in its application, as it allowed too many exceptions. The employers are strongly against a ratification.

20. C. 173 - Protection of workers' claims (1992)

Convention on workers' claims in connection with the insolvency of an employer.

The Convention was adopted at the International Labour Conference in 1992. The Convention came into force on 8 June 1995 and has been ratified by 19 countries. **Finland** ratified the Convention on 20 June 1994.

The Convention deals with securing workers' claims, by means of a privilege, in connection with the insolvency of an employer, including bankruptcy proceedings or similar circumstances where the employer cannot honour the workers' pay claims etc. In an alternative part the member States undertake, in co-operation with the social partners, to set up a wage guarantee institution. Unless otherwise established in law or national practice, the institution is to cover all workers.

Denmark: The Convention has been dealt with by the permanent ILO committee. The workers do not want any change in the current legislation. The problem concerns art. 6 (d), on the workers´ demands for severance pay. Under the Danish rules the claim for compensation is to be submitted within a period of six months, while the ILO Convention does not include a time limit.

LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

Iceland: In 1997 the ASI put forward a proposal in the national ILO Committee that the ratification process should be started. The process halted.

Norway: This Convention, according to the Ministry of Local Government and Regional Development, contravenes Norwegian legislation on several points and special reference is made to the unclear, American term "severance pay". As far as LO is concerned, it has stated in its reply in 1993 that any ratification of C. 173 would entail amendments to Norwegian law, but this Convention has not been among those given high priority by LO in its subsequent correspondence and meetings with the ministry.

Sweden: All three parties in Sweden are in agreement that Sweden should not ratify this Convention. The reason is the ILO's interpretation of the term "severance pay" which the Swedish ILO committee has requested and received. This American term covers both termination pay compensation, agreed at the beginning of the employment period and stipulated in collective agreements, and redundancy payment that is agreed when an employee is offered or persuaded to terminate his employment voluntarily.

The workers would not like the wage guarantee institution in Sweden to also cover redundancy payment and therefore cannot advocate a Swedish ratification. In other respects Sweden fulfils the provisions of the Convention.

21. C. 174 - Prevention of major industrial accidents (1993)

Convention on prevention of major industrial accidents.

The Convention was adopted at the International Labour Conference in 1993. The Convention came into force on 3 January 1997 and has been ratified by 13 countries. **Sweden** ratified the Convention on 21 December 1994.

The Convention deals with the prevention of major industrial accidents that involve hazardous substances and the limitation of the consequences of such accidents. The Convention is applicable to facilities where there is a danger of major accidents. Exceptions from this are nuclear facilities and factories that process radioactive substances, military facilities and transports of hazardous substances. The member States undertake, in co-operation with the social partners, to draw up and implement as well as maintain a national policy to protect workers, the public and the environment against major industrial accidents, including the preparation of contingency plans for this area.

Denmark: The question of ratification of the Convention has been delayed due to negotiations in EU on a new Risk Directive. The Directive has now been implemented in the Danish legislation but according to the Danish Ministry of Labour there are still some problems with the interpretation of article 1 of the Convention.

LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

Finland: A government bill to ratify the Convention was prepared by the Ministry of Labour on the basis of the decision of the ILO Committee but the procedure was delayed by the Ministry of Social Affairs and Health which is now in charge of the matter. The Ministry of Social Affairs and Health should finalise the ratification bill shortly.

Iceland: The Convention has been dealt with several times by the national ILO Committee and is under consideration as a result of a proposal by ASI submitted in 1997. The matter was submitted for review by the Labour Inspectorate, but no sufficient reply exists so far.

Norway: The problem is a disagreement on the introduction of a right to stop work for safety representatives in the event of a risk for a major accident, which LO puts very great importance. The employers state that in other respects they are in agreement that the Convention should be ratified. The disagreement on the right to halt work for safety representatives is being discussed in the revision of Norwegian Working Employment Act but so far no conclusions have been drawn.

22. C. 175 - Part-time work (1994)

Convention on part-time work.

The Convention was adopted at the International Labour Conference in 1994. The Convention came into force on 28 February 1998 and has been ratified by 11 countries. **Finland** ratified the Convention on 25 May 1999 and **Sweden** on 10 June 2002.

The Convention is intended to ensure that part-time workers enjoy the same protection as full-time workers in the labour market, with reference to the special right to organize, rules for elected representatives and safety and health at the workplace. At the same time part-time workers are guaranteed equal rights of employment as regards social security provisions, wages, collective agreements, pregnancy and childbirth, vacation, paid leave, sick leave and the working environment.

Denmark: The question of ratification of the Convention has been dealt with several times by the permanent ILO Committee. The Ministry of Labour has stated that it is now time for revaluation of the possibility of ratification.

LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

Iceland: The Convention has not yet been dealt with.

Norway: The convention is ready for ratification but unfortunately the ratification has still not taken place. LO-N is investigating the case.

23. C. 176 - Safety and health in mines (1995)

Convention on safety and health in mines.

The Convention was adopted at the International Labour Conference in 1995. The Convention came into force on 5 June 1998 and has been ratified by 23 countries. The Convention was ratified by **Finland** on 9 June 1997, by **Sweden** on 9 June 1997 and by **Norway** on 11 June 1999.

The Convention deals with rules for safety and health in mines. The member state undertakes, after consultation with the social partners, to bring about a national safety policy in the area including taking into account technical standards, guidelines and practice in the area.

Denmark: The Ministry of Labour has asked the social partners if there is a need for ratification in Denmark, as the Convention has only very insignificant importance for Denmark. The social partners have not expressed any special interest in ratifying the Convention.

Iceland: The Convention has not been dealt with.

24. C. 177 - Home work (1996)

Convention on home work.

The Convention was adopted at the International Labour Conference in 1996. The Convention came into force on 22 April 2000 and has been ratified by 5 countries. **Finland** ratified the Convention on 17 June 1998.

The Convention is intended to promote equal treatment between home workers and other wage earners, in particular in relation to freedom of association, protection against discrimination, occupational safety and health, remuneration, social security, access to training, minimum age for admission to work, and maternity protection. The countries that ratify the Convention undertake, in co-operation with the employers and workers, to formulate, implement and periodically review a coherent policy for home work.

Denmark: The Convention has been dealt with by the permanent ILO Committee. The Ministry of Labour has stated that the concept of "employment relationship" stated in the Convention is not in accordance with the Danish legislation.

LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

Iceland: The Convention has not been dealt with.

Norway: LO-N has been pressuring for ratification of the Convention. The Ministry has finalised its work on new regulations concerning work in private homes but is still considering other parts of the Convention text which might not be in correspondence with the Norwegian law.

Sweden: An account of the Convention was given to Parliament in the Government Bill 1007/98:185. The Government found that there was not enough grounds to propose ratification of the Convention. This was confirmed by the informal interpretation given by the International Labour Office. Two matters specifically need to be clarified – the coverage of collective agreements and the regulation of distant work.

NB: On 27 May 1998 the EU Commission urged (EU-Bulletin no. 5 - 1998) the EU Member States to ratify the ILO Convention on home work and, within a period of 18 months, to inform the Commission of the changes made in dealing with the current Convention.

25. C.178 - Inspection of seafarers' working and living conditions (1996)

Convention on inspection of seafarers' working and living conditions.

The Convention was adopted at the International Labour Conference in 1996. The Convention came into force on 22 April 2000 and has been ratified by 15 countries. The Convention was ratified by **Finland** on 24 February 1999, by **Norway** on 11 June 1999 and by **Sweden** on 15 December 2000.

The Convention deals with the inspection of seafarers' working and living conditions. The Convention covers all forms of shipping. By working and living conditions is understood such things as standards for maintenance and cleaning of areas in ships, minimum age, working hours, medical examinations, working environment and social security provisions. The member States undertake to set up a system of inspection to supervise working and living conditions for seafarers, as well as establishing a central council for co-ordination in the area.

Denmark: There is an agreement between the Maritime Authority and the social partners concerning seafarers´working conditions. This agreement does not include inspection on each and every ship and therefore the Convention cannot be ratified.

Iceland: The Convention has not been dealt with.

NB: Convention 178 has been revised by the Maritime Labour Convention (2006).

26. C.179 - Recruitment and placement of seafarers (1996)

Convention on recruitment and placement of seafarers.

The Convention was adopted at the International Labour Conference in 1996. The Convention came into force on 22 April 2000 and has been ratified by 10 countries. The Convention was ratified by **Finland** on 25 May 1999 and by **Norway** on 11 June 1999.

The Convention deals with the regulation of recruitment and placement of seafarers. Thus, it must be ensured that overheads in connection with recruitment are borne by the employer and that monitoring of placement agencies in this area is to be carried out.

Denmark: The Danish ILO Committee is unanimous in not advocating ratification at present.

Iceland: The Convention has not been dealt with.

Sweden: The Swedish ILO Committee was unanimous in not advocating ratification at present. It was decided that the Convention would be dealt with again by the Committee after C.181 on private employment agencies has been dealt with.

NB: Convention 179 has been revised by the Maritime Labour Convention (2006)

27. C.180 - Seafarers' hours of work and the manning of ships (1996)

Convention on seafarers' hours of work and the manning of ships.

The Convention was adopted at the International Labour Conference in 1996. The Convention has been ratified by 21 countries. **Sweden** ratified the Convention on 15 December 2000. **Finland** ratified the Convention on 4 July 2002. **Norway** ratified the Convention on 22 October 2003. **Denmark** ratified the Convention on 10 July 2003.

The Convention deals with regulation of working hours and manning of ships. The Member States are obliged to confirm that working hours for seafarers, to the same extent as for the rest of the labour market, shall be based on an 8 hour working day with associated free public holidays, and to ensure that the ships are manned with a sufficient number of workers to run the ship.

Iceland: The Convention has not been dealt with.

NB: Convention 180 has been revised by the Maritime Labour Convention (2006).

28. C.181 - Private Employment Agencies (1997)

Convention on private employment agencies.

The Convention was adopted at the International Labour Conference in 1997. The Convention came into force on 10 May 2000 and has been ratified by 20 countries. **Finland** ratified the Convention on 25 May 1999.

The Convention envisaged a liberalisation of public employment services. The Member States can grant permission for the operations of private employment agencies and temporary work agencies. The Convention covers all workers, with the exception of seafarers. The Convention establishes rules for the protection of workers using private employment agencies, regarding the freedom to organize and conclude collective agreements and the agency may not, in connection with placement of workers, discriminate on the basis of gender and race. The member States are obliged to prevent the placement of child labour and private employment agencies may not be based on receiving payment for their services from those in search of work, though after consultation with the social partners the member States may make exceptions for special groups of workers, such as managers.

Sweden: In the Government´s Bill to Parliament of 20 March 2001 it was proposed that the Convention should not be ratified at this stage. The Swedish ILO Committee has recommended a ratification of the Convention, but acknowledges that further investigation must be made concerning certain points with a view to eliminate any obstacle to a ratification. There are currently no governmental authority with a mandate to supervise private employment agencies as provided for in the Convention.

Denmark: The Danish ILO Committee has decided not to propose ratification due to the requirement of certification.

Norway: The matter is still being dealt with by the Ministry. LO-N is not pressuring for ratification.

Iceland: The Convention has not been dealt with.

29. C. 182 - Worst Forms of Child Labour (1999)

Convention on worst forms of child labour.

The Convention was adopted at the International Labour Conference in 1999. The Convention came into force on 19 November 2000 and has been ratified by 165 countries. The Convention was ratified by **Finland** on 17 January 2000, by **Iceland** on 29 may 2000, by **Denmark** on 14 August 2000 and by **Norway** on 21 December 2000 and by **Sweden** on 13 June 2001.

The Convention is one of the fundamental ILO Conventions and deals with the need to take immediate action to the prohibition and effective elimination of the worst forms of child labour – including all forms of slavery and trafficking of children, use of children for prostitution or pornography or illicit activities (drug trafficking) and any work that is likely to harm the health, safety or morals of children. The term "child" in the Convention applies to all persons under the age of 18. The Convention nr 182 is complementary to the Convention nr 138 on minimum age.

30. C. 183 – Maternity protection (2000)

Convention on maternity protection.

The Convention was adopted at the International Labour Conference in 2000. The Convention came into force on 7 February 2002. The Convention is ratified by 15 countries.

The Convention provides for 14 weeks of maternity benefit and women who are absent from work on maternity leave shall be entitled to a cash benefit which ensures that they can maintain themselves and their child in proper conditions of health and with a suitable standard of living and which shall be no less than two-thirds of her previous earnings or a comparable amount. Maternity leave shall include a period of six weeks' compulsory leave after childbirth. A pregnant women or nursing mother is not obliged to perform harmful work and the instruments provides for the protection from discrimination based on maternity.

Denmark: The ILO Committee found that there are several legal obstacles to ratifying the Convention.

LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

Finland: There are legislative obstacles, especially the six weeks compulsory leave after child birth, to ratify the Convention. However, this question should be addressed

when the national ILO Committee next time examines possibilities to ratify rest of the non-ratified Conventions. Last survey was made in 2002. New survey should be carried out shortly in order to consider the possibilities to ratify all the up-to-date Conventions.

Iceland: The Convention stipulates 6 weeks compulsory motherhood leave which is not in line with Icelandic legislation. ASI does not support changes in that regard. There is also a problem as regards the burden of proof and paid time off for breast feeding.

Norway: The ratification of the Convention is under process.

Sweden: The ILO Committee found that a clarification was needed on the meaning of some of the articles of the Convention and requested a clarification by the International Labour Office. The Committee does not recommend a ratification based mainly on four points: paid leave for breast-feeding, ban on pregnancy tests, sickness insurance rules and the six weeks compulsory leave after child birth.

31. C. 184 – Safety and Health in Agriculture (2001)

Convention on Safety and Health in Agriculture Convention.

The Convention was adopted at the International Labour Conference in 2001. The Convention came into force on 20 September 2003. The Convention is ratified by 10 countries.

The Convention was ratified by **Finland** on 21 February 2003 and by **Sweden** on 9 June 2004.

The Convention is about safety and health in agriculture. In the light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, ratifying countries shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.

Denmark: There seems to be no obstacles to ratification but it has still not been decided to ratify the Convention.

LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

Iceland: Ratification is under consideration. Particular obstacles to ratification have not been identified.

Norway: This Convention is now being considered by the Ministry of Labour and Government Administration.

32. C. 185 – Seafarers´ Identity Documents Convention (Revised) (2003)

Convention on Seafarers´ Identity Documents (Revised)
The Convention was adopted at the International Labour Conference in 2003. The Convention came into force on 9 February 2005 and has been ratified by 14 countries.

The Convention replaces Convention No. 108 (1958) and establishes a more rigorous identity regime for seafarers with the aim of developing effective security from terrorism and ensuring the world´s seafarers will be given the freedom of movement necessary for their well-being and for their professional and, in general, to facilitate international commerce.

Each ratifying country shall issue to each of its nationals who is a seafarer and makes an application to that effect a seafarers' identity document conforming to the provisions of the Convention. Each ratifying country shall ensure that seafarers' identity documents are issued without undue delay. A major feature of the ID is a biometric template based on a fingerprint.

Denmark: Denmark is going to ratify the Convention.

Finland: There are legislative obstacles in ratifying the Convention.

Iceland: The Ministry of Transport is considering the convention. Obstacles to ratification have not been identified.

Norway: This Convention is now being considered by the Ministry of Labour and Government Administration.

Sweden: The ILO Committee has recommended through a majority decision by the social partners a ratification by Sweden. The Government Instead wants to deal with the question of ratification together with the Maritime Labour Convention (2006).

33. MLC - Maritime Labour Convention (2006)[4]

Convention on maritime labour.

The Convention was adopted at the International Maritime Labour Conference in 2006. The Convention has been ratified by 3 countries, but is not yet in force.

The Convention sets minimum requirements for seafarers to work on a ship and contains provisions on conditions of employment, hours of work and rest, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection. Compliance and enforcement are secured through onboard and onshore complaint procedures for seafarers, and through

[4] The Maritime Labour Convention revises the following 36 ILO seafarers conventions: No.7, 8, 9, 16, 22, 23, 53, 54, 55, 56, 57, 58, 68, 69, 70, 72, 73, 74, 75, 76, 91, 92, 93, 109, 133, 134, 145, 146, 147 (and Protocol 1996), 163, 164, 165, 166, 178, 179 and 180.

provisions regarding ship owners' and shipmasters´ supervision of conditions on their ships, flag States´ jurisdiction and control over their ships, and port state inspection of foreign ships. According to the Convention a ship to which this Convention applies may, in accordance with international law, be inspected by an ILO Member State other than the flag State, when the ship is in one of its ports, to determine whether the ship is in compliance with the requirements of this Convention.

The Convention also provides for a maritime labour certificate, which can be issued to ships once flag State has verified that labour conditions on board a ship comply with national laws and regulations implementing the Convention.

The Convention includes legally binding standards accompanied by non-mandatory guidelines. Parts of the Convention relating to technical and detailed implementation of obligations can be updated under an accelerated amendment procedure.

Denmark: Denmark is going to ratify the Convention.

Finland: There are several legislative obstacles to the ratification. The Finnish ILO Committee is in favour of the ratification as soon as there are no obstacles to the ratification.The question is being re-examined in the Advisory Board for Maritime Questions in a connetion to the overall renewal of the national seamen legislation.

Iceland. Obstacles to ratification have not been identified and the Ministry of Transport and ASI have proposed ratification.

Sweden: The ILO Committee has unanimously recommended a ratification.

NB: The European Council (EU) decided on the 7 July 2007 to authorise its Member States to ratify the Convention, which should be done before year 2011. In addition, the EU Commission has proposed a Directive on this Convention on the basis of an agreement by the sectoral social partners.

34. C. 187 - Promotional Framework for Occupational Safety and Health (2006)

Convention on promotional framework for occupational safety and health.

The Convention was adopted at the International Labour Conference in 2006. **Finland** ratified the Convention 26 June 2008. **Sweden** ratified the Convention 10 July 2008. The Convention has been ratified by 6 countries and is coming into force 20 February 2009.

The Convention is about promoting continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme.

Ratifying countries take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational safety and health.

Denmark: Denmark is going to ratify the Convention.

Iceland. As yet, serious obstacles to ratification have not been identified. Ratification is considered.

35. C. 188 - Work in Fishing Convention (2007)

Convention on work in Fishing sector.

The Convention was adopted at the International Labour Conference in 2007. The Convention is not in force. The Convention has not yet been ratified by any country.

The Convention, which revises a number of ILO instruments, deals with conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, accommodation, and food, occupational safety and health protection, medical care and social security.

Denmark: The Convention is being dealt with by the Danish Maritime Authority. It has not yet been dealt with by the ILO Committee.

Finland: There are several legislative obstacles to the ratification. Despite the fact that the workers´ representatives in the national ILO committee are in favour of the ratification, the scope of Convention is of minor importance to Finland.

Iceland: The committee is dealing with the Convention and the Ministry of Transport and ASI have proposed ratification.

Sweden: The Convention will be dealt with by the ILO Committee in 2009.

ANNEX:

-The list of the up-to date-Conventions

Up-to-date Conventions and Protocols (*)

- C14 Weekly Rest (Industry) Convention, 1921
- C29 Forced Labour Convention, 1930
- C77 Medical Examination of Young Persons (Industry) Convention, 1946
- C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946
- C81 Labour Inspection Convention, 1947
- C87 Freedom of Association and Protection of the Right to Organise Convention, 1948
- C94 Labour Clauses (Public Contracts) Convention, 1949
- C95 Protection of Wages Convention, 1949
- C97 Migration for Employment Convention (Revised), 1949
- C98 Right to Organise and Collective Bargaining Convention, 1949
- C100 Equal Remuneration Convention, 1951
- C102 Social Security (Minimum Standards) Convention, 1952
- C105 Abolition of Forced Labour Convention, 1957
- C106 Weekly Rest (Commerce and Offices) Convention, 1957
- C110 Plantations Convention, 1958
- C111 Discrimination (Employment and Occupation) Convention, 1958
- C115 Radiation Protection Convention, 1960
- C118 Equality of Treatment (Social Security) Convention, 1962
- C120 Hygiene (Commerce and Offices) Convention, 1964
- C121 Employment Injury Benefits Convention, 1964
- C122 Employment Policy Convention, 1964
- C124 Medical Examination of Young Persons (Underground Work) Convention, 1965
- C128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967
- C129 Labour Inspection (Agriculture) Convention, 1969
- C130 Medical Care and Sickness Benefits Convention, 1969
- C131 Minimum Wage Fixing Convention, 1970

- C135 Workers' Representatives Convention, 1971
- C138 Minimum Age Convention, 1973
- C139 Occupational Cancer Convention, 1974
- C140 Paid Educational Leave Convention, 1974
- C141 Rural Workers' Organisations Convention, 1975
- C142 Human Resources Development Convention, 1975
- C143 Migrant Workers (Supplementary Provisions) Convention, 1975
- C144 Tripartite Consultation (International Labour Standards) Convention, 1976
- C145 Continuity of Employment (Seafarers) Convention, 1976
- C146 Seafarers' Annual Leave with Pay Convention, 1976
- C147 Merchant Shipping (Minimum Standards) Convention, 1976
- C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977
- C149 Nursing Personnel Convention, 1977
- C150 Labour Administration Convention, 1978
- C151 Labour Relations (Public Service) Convention, 1978
- C152 Occupational Safety and Health (Dock Work) Convention, 1979
- C154 Collective Bargaining Convention, 1981
- C155 Occupational Safety and Health Convention, 1981
- C156 Workers with Family Responsibilities Convention, 1981
- C157 Maintenance of Social Security Rights Convention, 1982
- C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983
- C160 Labour Statistics Convention, 1985
- C161 Occupational Health Services Convention, 1985
- C162 Asbestos Convention, 1986
- C163 Seafarers' Welfare Convention, 1987
- C164 Health Protection and Medical Care (Seafarers) Convention, 1987
- C165 Social Security (Seafarers) Convention (Revised), 1987

- C166 Repatriation of Seafarers Convention (Revised), 1987
- C167 Safety and Health in Construction Convention, 1988
- C168 Employment Promotion and Protection against Unemployment Convention, 1988
- C169 Indigenous and Tribal Peoples Convention, 1989
- C170 Chemicals Convention, 1990
- C171 Night Work Convention, 1990
- C172 Working Conditions (Hotels and Restaurants) Convention, 1991
- C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992
- C174 Prevention of Major Industrial Accidents Convention, 1993
- C175 Part-Time Work Convention, 1994
- C176 Safety and Health in Mines Convention, 1995
- C177 Home Work Convention, 1996
- C178 Labour Inspection (Seafarers) Convention, 1996
- C179 Recruitment and Placement of Seafarers Convention, 1996
- C180 Seafarers' Hours of Work and the Manning of Ships Convention, 1996
- C181 Private Employment Agencies Convention, 1997
- C182 Worst Forms of Child Labour Convention, 1999
- C183 Maternity Protection Convention, 2000
- C184 Safety and Health in Agriculture Convention, 2001
- C185 Seafarers' Identity Documents Convention (Revised), 2003
- MLC Maritime Labour Convention, 2006
- C187 Promotional Framework for Occupational Safety and Health Convention, 2006
- C188 Work in Fishing Convention, 2007
- P81 Protocol of 1995 to the Labour Inspection Convention, 1947
- P89 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948
- P110 Protocol to the Plantations Convention, 1958
- P147 Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976

P155 Protocol of 2002 to the Occupational Safety and Health Convention, 1981

** This list is based on the conclusions of the Cartier Working Party (1995-2002) and takes into account Conference and Governing Body decisions after that date. It should be recalled that, at the start of its work in 1995, the Cartier Working Party took as the point of reference for its review the classification established by the Ventejol Working Party. The Termination of Employment Convention, 1982 (No. 158) and its Recommendation (No. 166) were classified by the Ventejol Working Party as instruments to be promoted on a priority basis. In 2002, when the Cartier Working Party completed its work, these two instruments were the only ones in respect of which it did not reach any conclusions. Further consultations will be held on these instruments no later than November 2008.*

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