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# **Nordic ILO Report 2017**

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ILO Conventions ratified by the Nordic  
Countries in the period  
1980–2016

**Report by the Nordic Trade Unions Confederations affiliated to the  
Council of Nordic Trade Unions (NFS)**

# Nordic ILO Report 2017

## **Ratifications of the ILO Conventions adopted in the Nordic Countries during 1980–2016.**

*Report by the Nordic Trade Union Confederations affiliated to the Council of Nordic Trade Unions (NFS)*

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## I. Introduction

This report is written by the Nordic ILO group. The group consists of representatives who are 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***

The Nordic countries are represented in the joint ILO group with members from trade union confederations as follows:

Oscar Ernerot and Ellen Nygren (*The Swedish Trade Union Confederation, LO*),  
 Lise Donovan and Anna Gustafsson (*The Swedish Confederation for Professional Employees, TCO*),  
 Ullika Dalén (*The Swedish Confederation of Professional Associations, SACO*),  
 Annika Rönni-Sällinen and Pekka Ristelä (*The Central Organisation of Finnish Trade Unions, SAK*),  
 Risto Kousa (*Finnish Confederation of Professionals STTK*),  
 Paula Ilveskivi (*Confederation of Unions for Professional and Managerial Staff in Finland, Akava*),  
 Renée Rasmussen, Kathrine Fauske and Tor Jørgen M. Lindahl (*The Norwegian Confederation of Trade Unions, LO*),  
 Lars Holmer-Hoven (*Unio, Norway*),  
 Dag Bjørnar 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 Labour, ASI*).

### ***1.1 The Nordic ILO Report***

In the beginning of the 1990's, employers and conservative governments questioned more and more the standard-setting system of the ILO. This trend was also advancing through the Nordic countries. The general argument was 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ratifications of new ILO Conventions, which in itself showed that the ILOs system of standard-setting was more or less outdated.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 has been important to carry out a Nordic study from a trade union point of view. Therefore, the Nordic ILO group has observed the scope of ratifications of the ILO Conventions adopted in the Nordic countries during 1980-2016.

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

This present study is an update of earlier studies in 1998, 2001 and 2008. The aim of this report is to find out more information about the reasons and arguments used against ratifying certain ILO Conventions and encourage a national discussion within the Nordic countries to proceed with the non-ratified ILO Conventions. The process should hopefully lead to new ratifications in the future.

## ***1.2 Conclusions Drawn by the Previous Reports 1998, 2001 and 2008***

- 1 Consideration of and adjustment in the European Union and its standard setting activities has in several cases worked against ratification of the ILO Conventions rather than fore. In other cases, adjustment to EU legislation has worked in favour of ratification.
- 2 There has been uncertainty in the mandate of the European Commission in relation to the mandate of the ILO. New conflicts between the norms of the ILO and the EU have arisen recently following the new jurisprudence of the European Court of Justice on certain cases.
- 3 Nordic governments and Nordic employer organisations tend to favour general ILO Conventions and consider the sectoral Conventions more strenuous; the exception to this is the maritime sector.
- 4 Nordic governments are usually keen to ratify a new ILO Convention when they already meet the requirements of the Convention. However, there is less willingness to ratify if it entails amendments to national legislation.<sup>1</sup>
- 5 The Nordic governments are meticulous regarding decisions on possible ratification.
- 6 They usually want to ensure that all details of the provisions of the new ILO Convention will be fulfilled. In several cases there was only one single provision that prevented the whole ratification.
- 7 The governments have a relatively extensive obligation to report to the ILO Office concerning the ratified ILO Conventions. For countries with a high level of ratification this naturally 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.

The Nordic ILO workers group is satisfied to the fact that Nordic countries have ratified a number of ILO Conventions since the publication of its last report in 2008. The group believes that it is important for all Member States of the ILO, to ratify all up-to-date Conventions. All national ILO advocates should therefore evaluate and

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<sup>1</sup> 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.

actively promote these Conventions and see to that they proceed in the national legislation. The group believes that similar studies in other regions could be of value.

## 2. The Nordic Countries and ILO Conventions

### 2.1 Background

The International Labour Organization (ILO) has adopted 189 International Conventions on labour law and working conditions since its establishment in 1919.

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 ILO Conventions by 2016. Denmark has ratified 72 Conventions and one Protocol, of which 53 are in force. Finland has ratified 102 Conventions and 4 Protocols, of which 72 are in force. Iceland has ratified 24 Conventions, of which 22 are in force. Norway has ratified 109 Conventions and 3 Protocols, of which 74 are in force. Sweden has ratified 93 Conventions and 3 Protocols, of which 66 are still in force. (Fig. 1).

### Fundamental ILO Conventions

All the Nordic countries have ratified all eight fundamental ILO Conventions (Fig. 1). Only Norway and Finland have ratified the Protocol to Convention 29, Forced Labour Convention, which came into force on 9 November 2016.

*Fig. 1: Nordic ratification of fundamental ILO Conventions.*

<b>ILO Convention</b>	<b>no.</b>	<b>Year</b>	<b>DEN</b>	<b>FIN</b>	<b>ISL</b>	<b>NOR</b>	<b>SWE</b>
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 of Child Labour	182	1999	2000	2000	2000	2000	2001
<b>Ratified Conventions in force</b>			53	72	22	74	66

### **Governance Conventions (Priority Conventions)**

The **Governance Conventions** are Labour Inspection Convention Nr. 81, Employment Policy Convention Nr. 122, Labour Inspection Convention (Agriculture), Nr. 129 and Tripartite Consultation Convention, Nr.144.

**Denmark, Finland, Iceland, Sweden and Norway** have ratified all the Governance Conventions. **Iceland was the last to ratify** the Conventions Nr. 81 and Nr. 129 on March 2009, and thus all the Nordic countries now are committed to fulfil the Governance Conventions.

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 adopted a list of ILO conventions that were regarded as up-to-date in November 2007 (see Annex). All the Nordic National ILO Committees should actively refer to this list and promote both actions and considerations regarding the Conventions. In addition, the European Commission recommended the EU Member States to ratify all the up-to-date ILO Conventions in 2008.

## **2.2. Nordic aspects on ratifying the ILO Conventions**

This report concentrates on Conventions adopted in 1980-2016 in the Nordic countries. The amount of Conventions varies between each country.

**Finland, Norway and Sweden** have ratified the largest number of ILO Conventions in the Nordic countries. The number of ratifications varies according to the local employment market and local industries, as well as local governance.

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 cautious towards ratifying the ILO Conventions; therefore, it has only ratified a relatively small number of Conventions. Since the Nordic ILO Reports have been published, the Government of Iceland has shown signs of being less hesitant. The size and the capacity of the Government of Iceland as well as the fact that Iceland became a member of the ILO 25 years later in comparison to the other Nordic countries has affected the total number of ratifications to a degree. However, during a short period of negotiating membership to the EU (2009-2013), a number of ILO convention became relevant for ratification.

### **3. National Engagement in ILO**

The national ILO work is done in the national ILO Committees. The ILO Committees in the Nordic countries are as follows:

#### **3.1 Permanent ILO Committee in Denmark**

Since 1954 there has been a permanent ILO Committee working under the Ministry of Labour in **Denmark**. It consists of representatives of the Ministry of Labour, Danish Employers Association (DA), the National Association of Local Authorities in Denmark (KL) and the Trade Union Confederations 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 permanent ILO committee's main task is to coordinate and promote tripartite co-operation between the Government and the social partners in matters covered by the International Labour Organisation (ILO). 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.

#### **3.2 The Finnish ILO Committee**

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 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 Federation of Finnish Enterprises, the Commission for Local Authority Employers and the State Employer's Office.

The Committee meets five to six times a year and 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 standards working group. The ILO Committee examines possibilities to ratify non-ratified Conventions. Last survey was made in 2002. New survey should be carried out again in order to consider the possibilities to ratify all the up-to-date Conventions.

#### **3.3 Permanent ILO Committee in Iceland**

The Permanent Committee in **Iceland** is working under the Ministry of Welfare, comprising representatives from the ASI – Icelandic Confederation of Labour, BSRB -Federation of State and Municipal Employees (since 2015), the Icelandic

employers' association (SA), State and Municipal employers (since 2015) and the Ministry of Welfare.

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 formally 4-6 times a year and deals with the current ILO matters including ratification of ILO Conventions. Consultations when preparing reports to the ILO and replies to questions and recommendations from the COE, are frequently conducted informally via the internet, later to be confirmed at a formal meeting of the committee.

The Icelandic ILO work was slow and irregular after first having started in 1982. In 1985 ASI submitted a proposal for the systematic review of ILO Conventions with a view to possible ratification. However, repeated changes in the government and its representation in the committee, the work was not finished.

It is important to mention that the Icelandic ILO Committee is working under particularly difficult conditions because the Committee also must deal with questions concerning the Social Charter of the Council of Europe. The Committee's working time is therefore limited and the Committee's access to expertise and assistance at the various ministries is at times limited because ILO matters are not prioritized.

### **3.4 Permanent ILO Committee in Norway**

In **Norway** there has been a permanent ILO Committee since 1947. At first it was working under the Ministry of Health and Social Affairs, and 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, Virke (employers). The Seafarer's Organisations 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 three to five times per year.

### **3.5 ILO Committee in Sweden**

In **Sweden**, a tripartite "delegation for international socio-political co-operation" was set up in 1927. Since 1962 it has been 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.

## **4. Ratification of ILO Conventions**

### **4.1 ILO Constitution**

In accordance with the ILO Constitution article 19, each Member State is obliged to submit the adopted Conventions, Recommendations and proposals to the competent assembly in the country, normally the national parliament. This must happen within 12 months and in some cases 18 months, starting from the adoption of the International Labour Conference. Each country should compel a national review 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 was averted from fulfilling ILO's rules, as it normally submitted reports on new ILO instruments to parliament without any proposals. 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 since been changed in Iceland.

### **4.2 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.

### 4.3 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.

### 4.4 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.

## 5. Review of the ILO Conventions Adopted in 1980–2016

During the period 1980 to 2016 the ILO adopted 36 Conventions. Of these Conventions, **Finland** has ratified 27 Conventions, **Sweden** 28 Conventions, **Norway** 16 Conventions, **Denmark** 11 Conventions and **Iceland** 4 Conventions (Fig. 2).

*Fig. 2: ILO Conventions adopted in the period 1980–2016 and ratified by the Nordic countries.*

No.	ILO Conventions 1980–2016	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

No.	ILO Conventions 1980-2016	Year	DEN	FIN	ISL	NOR	SWE
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	-	*	1990
164	Health and medical care (Seafarers)	1987	-	1995	-	*	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	-	2014	-	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	-	2013	-	-	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	-	*	2000
179	Recruitment and placement (Seafarers)	1996	-	1999	-	*	-
180	Seafarers' hours of work/Manning	1996	2003	2002	-	*	2000
181	Private Employment Agencies	1997	-	1999	-	-	-
182	Worst Forms of Child Labour	1999	2000	2000	2000	2000	2001
183	Maternity Protection	2000	-	-	-	2016	-
184	Safety and Health in Agriculture	2001	-	2003	-	-	2004
185	Seafarers' Identity Documents (Rev.)	2003	-	-	-	-	-
MLC	Maritime Labour Convention	2006	2011	2013	-	2009	2012
187	Promotional Framework for OSH	2006	2009	2008	-	2015	2008
188	Work in Fishing ( <i>instrument not in force</i> )	2007	-	-	-	2016	-
189	Domestic Workers	2011	-	2015	-	-	-
	<b>Total from 1980-2016</b>		11	27	4	16	23

## **VI. Comments on the ILO Conventions Adopted 1980–2016**

The review of the ILO Conventions adopted in the period 1980-2016 shows, when each Convention was adopted, when they came into force and when they were 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 and has been ratified by 46 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.

**In Denmark**, the Convention has been attended to by the permanent ILO Committee. According to the Ministry of Labour, there are problems concerning the contents of the 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 Danish debate has two sides: firstly, whether any group of workers may request serious negotiations with the employer, and secondly, can the employer refuse to negotiate in the case that he has a negotiation going on with another party (trade union) which represents those concerned as well.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report.

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

#### **Convention concerning occupational safety and health.**

*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 64 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 155 provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and 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 10 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 44 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.

**In Denmark**, the Convention has been attended to by the permanent ILO Committee.

Article 8 has been an obstacle to ratification of the Convention; the content of Article 8 states that “family responsibilities shall not constitute a valid reason for the termination of employment”, and it is in conflict with Danish law. In Denmark it is not illegal to formulate requirements for a certain job in a way, for instance, for an applicant, who is married and childless. It is only forbidden to apply requirements on a gender base.

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 on social security (1952). 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.

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

**In Norway**, the 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. The Norwegian Seafarer's organisations are against ratification.

**In Finland**, the government proposed ratification as early as in 1984. The parliamentary constitutional committee, however, rejected the ratification. The parliamentary constitutional committee had the opinion that the ratification would require legislative amendments. The question has not advanced since then. The question should be addressed when the national ILO Committee examines the possibilities to ratify the rest of the non-ratified Conventions next time.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report.

## **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 36<sup>2</sup> 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.

**In Denmark**, the Convention has been considered by the respective ministries and the social partners and has been attended to 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.

**In Iceland**, the Convention was first discussed by the national ILO Committee in 1985. The government prepared a report concerning its possible ratification, which showed that a ratification of the convention would require a fundamental amendment to present law governing notice of termination. ASI has requested further work in 2001 and again in 2006 on possible ratification, completely rejected by the employers.

In collective demands of all ASI affiliates and under negotiations on renewal of collective agreements (January 2008) the ratification of the Convention was again proposed by ASI. Progress was made to increase worker protection but the rules that apply are still quite unlike those of ILO 158. It is debated within ASI if ILO 158 should be pushed any further at all.

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<sup>2</sup> Brazil ratified C. 158 in 1995, but denounced it one year later.

**Norway** has not ratified the convention. The question about ratification has not been advocated since the last report. Termination of employment is regulated in the Working Environment Act.

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

**Convention concerning vocational rehabilitation and employment of 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 83 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. It provides for the setting up and evaluation of vocational guidance, vocational training, and 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 49 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.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report.

### **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 32 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 cooperation 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.

**In Denmark**, the Convention has been attended to 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.

**In Norway**, the Convention has not been ratified, but in 2010 the government adopted a substantial expansion of the industries which were obliged to have occupational health service. The trade Unions are strongly in favour of ratifying this Convention. It seems for the moment that Norway will not ratify the Convention in the near future.

**In Iceland**, the national ILO Committee has attended to the Convention, but so far there are no decisions on the matter.

### **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 38 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.

**In Iceland**, ASI has proposed ratification without results. Main obstacles have not been identified.

### **10. – 13. Conventions on Seafarers' Rights and Protection, C. 163 – C. 166**

The Conventions C. 163, C. 164, C. 165 and C. 166 concern security, protection and welfare of Seafarers; these aspects were revised and covered in more detail in Maritime Labour Convention adopted at the International Maritime Labour Conference in 2006.

The Maritime Labour Convention (MLC) has been ratified by **Norway** (2009), **Denmark** (2011), **Sweden** (2012) and **Finland** (2013). It denounces the conventions C. 163 – C. 165 automatically, when ratified.

After extensive tripartite discussion and following **Iceland's** negotiations with the EU, the MLC is ready for ratification but has not been presented to the Parliament in order to do so.

### **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 18 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.*

*In 2006, all the Nordic countries except Iceland ratified the Maritime Labour Convention, which revises and automatically denounces this convention in the ratifying Member State.*

Under the Convention, the Member States ensure that seafarers' welfare at sea and in harbour is sufficient. Each Member State undertakes to arrange necessary facilities at the disposal of seafarers in harbours and check the crew as well as log them accordingly.

**In Iceland**, the national ILO Committee has addressed the Convention, but its ratification is of no relevance since the MLC is expected to be ratified.

### **11. C. 164 – Health Protection and Medical Care (Seafarers) (1987)**

**Convention on health protection and medical care for seafarers.**

*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 15 countries. The Convention was ratified by **Sweden** on 21 February 1990, by **Finland** on 17 January 1995 and by **Norway** on 11 June 1999.*

*In 2006, all the Nordic countries except Iceland ratified the Maritime Labour Convention, which revises and automatically denounces this convention in the ratifying Member State.*

The Convention requires that measures need to be taken through national legislation or administrative regulations for the purpose of establishing health

protection and medical care for seafarers. Seafarers must be guaranteed health protection levels equivalent to those of workers in the rest of the labour market.

**In Iceland**, the national ILO Committee has addressed the Convention, but its ratification is of no relevance since the MLC is expected to be ratified

## **12. C.165 – Social Security (seafarers) (1987)**

**Convention on social security (for seafarers).**

*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.*

*In 2006, all the Nordic countries except Iceland ratified the Maritime Labour Convention, which revises and automatically denounces this convention in the ratifying Member State.*

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.

**In Iceland**, the national ILO Committee has addressed the Convention, but it is of no relevance since the MLC is expected to be ratified.

## **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 14 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.

**In Iceland**, the national ILO Committee has addressed the Convention, but its ratification is of no relevance since the MLC is expected to be ratified.

#### **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 29 countries. The Convention was ratified by **Norway** on 24 June 1991, by **Sweden** on 7 October 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 and practices in the construction sector. The construction sector is defined as building, design, renovation, repairs, maintenance and demolition of buildings etc.

**In Iceland**, ASI has presented a proposal to initiate the ratification process, but it has not received any results so far.

#### **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 8 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.

**In 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.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report.

## **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 22 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 shall be guaranteed, with respect to the special social, cultural and religious values of these peoples.

**In Finland**, the possibility to ratify the Convention has been examined many times. Even the UN Human Rights Council has urged Finland to ratify the Convention.

In the end of 2014, there was a Government Proposal given to the Parliament, but the Parliament did not decide to proceed with ratification. The process was interrupted by the Parliamentary elections held in April 2015. After the change of the Parliament and the Government, the question about ratification has remained undecided.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report and is considered to be of very limited relevance.

**In 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 from submitting an official comment and 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 – Chemicals Convention (1990)**

### **Convention on safety in 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 18 countries. The Convention was ratified by **Sweden** on 4 November 1992 and by **Norway** on 26 November 1993 and by **Finland** on 21 January 2014.*

The Convention deals with safety in connection with the use of chemicals at the workplace, and applies to all industries where chemicals are used. The Member States undertake, in cooperation with the employers and workers, formulation, implementation and organizing of an integrated policy for work with chemicals. This includes 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.

**In Denmark**, the question of ratification of the Convention has been postponed several times. 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 was addressed by the national ILO Committee in 1998, but there is no decision about the ratification yet.

### **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 13 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, when it includes 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.

**In 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, there needs to be a workplace evaluation 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.

**In Finland**, there are no formal obstacles to ratification. The question should be addressed when the national ILO Committee examines possibilities to ratify rest of the non-ratified Conventions next time.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report.

**In Norway**, all the three parties are in agreement that the provision of this Convention discriminates workers on the basis of gender. Therefore it is contradictory to the general clause of the Equal Status Act and that the Convention should not be ratified.

**In Sweden**, the workers' opinion is that 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 States shall undertake, after consultation with the social partners, drawing up and implementing of rules, agreements or similar, so that the working conditions in the sector are improved. This includes 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.

**In 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.

**In Finland**, there are no formal obstacles to ratification. The question should be addressed when the national ILO Committee examines possibilities to ratify rest of the non-ratified Conventions next time.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report.

**In Norway**, the Convention is not ratified. There is no indication that it will be on the agenda in the near future.

**In 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 21 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.

**In 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.

**In Iceland**, ASI put forward a proposal in the national ILO Committee that the ratification process should be started in 1997, but the process came to a halt.

**In Norway**, this Convention, according to the Ministry of Local Government and Modernisation, contravenes Norwegian legislation on several points. Special



reference is made to the unclear American term "severance pay". This Convention has not been among those given high priority by the trade Unions in correspondence and meetings with the ministry.

**In Sweden**, all three parties 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 18 countries. **Sweden** ratified the Convention on 21 December 1994, and Finland on 28 February 2013.*

The Convention deals with the prevention of major industrial accidents that involve hazardous substances, as well as 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.

**In Denmark**, the question of ratification of the Convention has been postponed several times. LO Denmark cannot see any obstacles to ratification of the Convention. LO Denmark will follow-up the process of ratification and implementation.

**In Iceland**, the Convention has been addressed 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 and no obstacles to ratification have been identified.

**In Norway**, there is no new information regarding the ratification process of C174. The content of the Convention seems to be applicable according to relevant Norwegian regulations and jurisdiction.

## **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 14 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 organization, rules for elected representatives as well as 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.

**In Denmark**, the question of ratification of the Convention has been dealt with several times by the permanent ILO Committee. The Ministry of Labour and the Danish Employers are still not in favor of ratification.

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

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report.

**In Norway**, the convention is ready for ratification but unfortunately the ratification has still not taken place. According to the Ministry of Labour and Social Affairs is the process has been delayed due to an ongoing investigation on export of social benefits. The outcome of this process may influence the question of Norwegian ratification.

## **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 31 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. Each Member State shall undertake, 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.

**In 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.

**In Iceland**, the Convention has not been attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report. No mines are operated in Iceland.

#### **24. C. 177 – Home Work Convention (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 10 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.

**In 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.

**In Iceland**, the Convention was not attended to, except by submitting its translation to Parliament as a part of the Ministries annual ILO report. It was considered for ratification under during a short period of negotiating membership to the EU (2009-2013).

**In Norway**, the Convention is not ratified. The gravest opposition arises supposedly from articles 4 and 9. The Trade Unions on the other hand are promoting ratification.

**In Sweden**, the Government considered that there were not enough grounds to propose ratification of the Convention. This was confirmed by the informal interpretation given by the ILO. Two matters specifically needed to be clarified – the

coverage of collective agreements and the regulation of distance work. The latter has been taken care by the Government. LO and TCO have called for Sweden to ratify the Convention.

*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. – 27. Conventions on Seafarers' Rights, Welfare and Protection, C. 178 – C. 180**

The Conventions C. 178, C. 179, and C. 180 concern security, protection and welfare of Seafarers; these aspects were revised and covered in more detail in Maritime Labour Convention adopted at the International Maritime Labour Conference in 2006.

The Maritime Labour Convention (MLC) has been ratified by **Norway** (2009), **Denmark** (2011), **Sweden** (2012) and **Finland** (2013). It denounces the conventions C. 163 – C. 165 automatically, when ratified.

**In Iceland**, the national ILO Committee has addressed the Convention, but its ratification is of no relevance since the MLC is expected to be ratified.

### **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.*

*In 2006, all the Nordic countries except Iceland ratified the Maritime Labour Convention, which revises and automatically denounces this convention in the ratifying Member State*

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.

**In Iceland**, the national ILO Committee has addressed the Convention, but its ratification is of no relevance since the MLC is expected to be ratified.

## **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.*

*In 2006, all the Nordic countries except Iceland ratified the Maritime Labour Convention, which revises and automatically denounces this convention in the ratifying Member State.*

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.

**In Iceland**, the national ILO Committee has addressed the Convention, but its ratification is of no relevance since the MLC is expected to be ratified.

## **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** on 4 July 2002, **Norway** on 22 October 2003 and **Denmark** on 10 July 2003.*

*In 2006, all the Nordic countries except Iceland ratified the Maritime Labour Convention, which revises and automatically denounces this convention in the ratifying Member State.*

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.

**In Iceland**, the national ILO Committee has addressed the Convention, but its ratification is of no relevance since the MLC is expected to be ratified

## **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 31 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. 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.

**In Sweden**, the Government's Bill to Parliament in 2001 proposed that the Convention should not be ratified at this stage. The Swedish ILO Committee has recommended the ratification of the Convention, but acknowledges that further investigation must be made concerning certain points with a view to eliminate any obstacle to ratification.

There are currently no governmental authority with a mandate to supervise private employment agencies as provided for in the Convention.

**In Denmark**, the Danish ILO Committee has decided not to propose ratification due to the requirement of certification.

**In Norway**, the Trade Unions are not pressing for ratification.

**In Iceland**, the Convention has been considered for ratification and no substantial obstacles have been identified. ASI is not specifically promoting its ratification.

## **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 180 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 such as 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 182 is complementary to the Convention 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 31 countries. Ratified by Norway on 9 November 2015.*

The Convention provides for 14 weeks of maternity benefit. For women who are absent from work on maternity leave the Convention demands a cash benefit which ensures that mothers can maintain themselves and their child in proper conditions of health, with a suitable standard of living; the benefit must be no less than two-thirds of the mother’s previous earnings or a comparable amount. Maternity leave shall include a period of six weeks’ compulsory leave after childbirth. A pregnant woman or nursing mother is not obliged to perform harmful work, and the practises should protect women from discrimination based on maternity.

**In Denmark**, the ILO Committee found that there are several legal obstacles against 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.

**In Finland**, there are legislative obstacles, especially the six weeks compulsory leave after child birth, which prevent the ratification of the Convention. However, this question should be addressed when the national ILO Committee examines possibilities to ratify the rest of the non-ratified Conventions next time. 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.

**In Iceland**, the Convention designates a 6-week 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.

**In Sweden**, the ratification would require legislative amendments at least in relation to the following three points: paid leave for breast-feeding, a ban on pregnancy tests, and six weeks compulsory leave after child birth, which the

Swedish Government and Parliament do not want to do. No demands in favour of a Swedish ratification have been made by the workers.

### **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 31 countries. It has been 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 context of national conditions and practices and after consulting the representative organizations of employers and workers concerned, ratifying countries must 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, injury and ill health caused by, linked with, or occurring in the course of work. It shall eliminate, minimize and control hazards in the agricultural working environment.

**In Denmark**, the question of ratification of the Convention has been dealt with several times by the permanent ILO Committee. The Ministry of Labour and the Danish Employers are still not in favor of ratification.

**In Iceland**, the ratification is under consideration. Particular obstacles to ratification have not been identified.

**In Norway**, the ratification is under consideration, according to information given by the Ministry of Labour and Social Affairs.

### **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 31 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, ensuring the world's seafarers the freedom of movement necessary for their well-being and profession, and to facilitate a safe international commerce in general.

Each ratifying country shall issue seafarers' identity document to each of its nationals who are seafarers, and make the operative applications conforming 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** is in the process of ratifying the Convention.

**In Finland**, there are legislative obstacles concerned in case of ratifying the Convention.

**In Iceland**, the Ministry of Transport is considering the convention. There have been no obstacles identified that would prevent the ratification and its ratification is pushed by ASI.

**In Norway**, the Norwegian Seafarers Organisations have not pushed for Norwegian ratification. They share the opinion that C108 handles the seamen's rights in an adequate way and there are many technicalities concerning ratification of Convention 185. The Ministry of Trade, Industry and Fishery has considered ratification and revision, but there is no decision about it so far.

**In Sweden**, through a majority decision by the social partners, the ILO Committee recommended ratification. The ratification process was suggested to be dealt with together with the Maritime Labour Convention in 2009. Ratification of the convention has not been reintroduced to the Swedish' government.

### **33. MLC - Maritime Labour Convention (2006)<sup>3</sup>** **Convention on maritime labour.**

*The Convention was adopted at the International Maritime Labour Conference in 2006. The Convention has been ratified by 72 countries, but it is not yet in force. The Convention was ratified by **Norway** on 10 February 2009, **Denmark** on 23 June 2011, **Sweden** on 12 June 2012 and **Finland** on 9 January 2013.*

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 on-board and onshore complaint procedures for seafarers, and through 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

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<sup>3</sup> 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.

the flag State to determine whether the ship is in compliance with the requirements of this Convention, when the ship is in one of its ports.

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.

**In Iceland**, obstacles to ratification have not been identified and the Ministry of Transport and ASI have proposed ratification.

**Norway** ratification is currently in force. In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security: medical care; sickness benefit and maternity benefit. Ratification of the Maritime Labour Convention has also entailed automatic denunciation of other maritime conventions (see Fig. 2, footnotes).

### **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. The Convention entered in force on 20 February 2009 and has been ratified by 39 countries. **Finland** ratified the Convention on 26 June 2008, **Sweden** on 10 July 2008 and **Norway** on 9 November 2015.*

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.

**In Iceland**, there have been no serious obstacles identified against the ratification, and the Conventions is under consideration to be ratified.

### **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 an up-to-date instrument (Technical Convention). The Convention was ratified by **Norway** on 8<sup>th</sup> of January 2016.*

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.

**In Denmark**, the Convention is being dealt with by the Danish Maritime Authority. There seems to be no obstacles to ratification, and Denmark apparently has the intention 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.

**In 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 this Convention is of minor importance to Finland.

**In Iceland**, the committee is dealing with the Convention and the Ministry of Transport and ASI have proposed for its ratification.

**In Sweden**, the Convention has been dealt with in the ILO Committee. Several legislative obstacles against ratification have been identified.

### **36. C. 189 – Domestic Workers Convention (2011)**

#### **Convention concerning decent work for domestic workers.**

*The Convention was adopted at the International Labour Conference in 2011. The Convention is an up-to-date instrument (Technical Convention). It came into effect on 5 September 2013, and has been ratified by 22 countries. **Finland** ratified the Convention on 8 January 2015.*

Convention 189 sets out human rights for all domestic workers. By definition, a domestic worker is a person engaged in domestic work in a permanent employment relationship in or for a household or households, without any other sources of employment. The Convention urges to freedom of association the right to collective bargaining also for domestic workers, and seeks to eliminate all forms of forced labour. Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, and that they enjoy fair terms of employment as well as decent working conditions.

**In Denmark**, the question of ratification of the Convention has been dealt with several times by the permanent ILO Committee. The Ministry of Labour and the Danish Employers are still not in favour of ratification.

**In Sweden**, repeated requests for ratification from the three Swedish trade union confederations, LO, TCO and Saco. The Ministry of Employment has proposed in an official memorandum (Ds 2017:10) that the Government ratifies the Convention. The memorandum is currently subject to a referral process which involves different stakeholders, among others the Swedish trade union confederations. The next step for the Government is to draft a bill about the ratification to submit to the Parliament.

**In Norway**, the Convention is being dealt with by the Ministry of Justice and Public Security in 2016, according to the latest knowledge. The Trade Unions are pushing for ratification.

**In Iceland**, the question of ratification has been dealt with several times by the ILO Committee and no relevant obstacles have been identified.

### **37. P 29 – Protocol of 2014 to the Forced Labour Convention Protocol of 2014 to the Forced Labour Convention, 1930.**

*The Protocol was adopted at the International Labour Conference in 2014. The Protocol is an up-to-date instrument, with entry into force on 9 November 2016. It has been ratified by 13 countries. **Norway** ratified the Protocol on 9 November 2015 and **Finland** on 27 January 2017.*

Each Member State that ratifies the Protocol shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour. As well, each Member State must provide adequate assistance and support to any victim of this kind of labour.

**In Sweden**, the Government has submitted a bill to the Parliament and proposes an approval of the Protocol (prop. 2016/17:93). The Parliament is expected to endorse the proposal.

**In Iceland**, the ILO Committee has discussed its ratification and ratification is in progress.

**ANNEX:**

The list of the up-to date-Conventions

**Up-to-date Conventions and Protocols**

**C14 Weekly Rest Convention (Industry), 1921**

**C29 Forced Labour Convention, 1930**

**C77 Medical Examination of Young Persons Convention (Industry), 1946**

**C78 Medical Examination of Young Persons Convention (Non-Industrial Occupations), 1946**

**C81 Labour Inspection Convention, 1947**

**C87 Freedom of Association and Protection of the Right to Organize Convention, 1948**

**C94 Labour Clauses Convention (Public Contracts), 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 Convention (Minimum Standards), 1952**

**C105 Abolition of Forced Labour Convention, 1957**

**C106 Weekly Rest Convention (Commerce and Offices), 1957**

**C110 Plantations Convention, 1958**

**C111 Discrimination Convention (Employment and Occupation), 1958**

**C115 Radiation Protection Convention, 1960**

**C118 Equality of Treatment Convention (Social Security), 1962**

**C120 Hygiene Convention (Commerce and Offices), 1964**

**C121 Employment Injury Benefits Convention, 1964**

**C122 Employment Policy Convention, 1964**

**C124 Medical Examination of Young Persons Convention, (Underground Work)**

**C128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967**

**C129 Labour Inspection Convention (Agriculture), 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 Convention (Supplementary Provisions), 1975**
- C144 Tripartite Consultation Convention (International Labour Standards), , 1976**
- C145 Continuity of Employment Convention (Seafarers), 1976**
- C146 Seafarers' Annual Leave with Pay Convention, 1976**
- C147 Merchant Shipping Convention (Minimum Standards), 1976**
- C148 Working Environment Convention (Air Pollution, Noise and Vibration) , 1977**
- C149 Nursing Personnel Convention, 1977**
- C150 Labour Administration Convention, 1978**
- C151 Labour Relations Convention (Public Service), 1978**
- C152 Occupational Safety and Health Convention (Dock Work), 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 Convention (Disabled Persons), 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 Convention (Seafarers), 1987**

- C165 Social Security Convention (Seafarers) (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 Convention (Hotels and Restaurants), 1991**
- C173 Protection of Workers' Claims Convention (Employer's Insolvency), 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 Convention (Women) (Revised), 1948**
- P110 Protocol to the Plantations Convention, 1958**
- P147 Protocol of 1996 to the Merchant Shipping Convention (Minimum Standards), 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.*