

I. Introduction

Recommendation 195 concerning Human Resources Development: Education, Training and Lifelong Learning recently replaced Recommendation 150, which was adopted in 1975 along with the convention on this subject that is still in force.

It is interesting to study the new recommendation for a number of reasons.

First, because it yields solutions in the process of standards revision and updating which the ILO began several years ago. We will describe this process in chapter II.

Second, the recommendation contains a series of new elements as regards subjects and focuses in vocational training, and these deserve study. These core elements of the new instrument are the right to vocational training, lifelong learning, labour competencies, the certification of aptitudes, and decent work.

A system of double discussion was used in preparing Recommendation 195, and the debates that took place in this framework have yielded a wealth of learning. For one thing, we must definitively abandon the idea that training is a field where it is easy for the actors in the world of work to agree. Although employers and workers are both interested in promoting training, this does not mean it is free from the controversies that occur in labour relations or that it can avoid being linked to other problems that countries have to face. This is clear from the ups and downs that are characteristic of the discussion of subjects like collective bargaining and foreign debt.

The adoption of a new recommendation also makes it essential to keep careful watch on how the ILO is dealing with problems in the world of work. Thus the ILO stance with respect to human resources development, education, training and lifelong learning highlights the current importance in the ILO of subjects like the new allocation of responsibilities and functions between governments and social partners, the new role of business training and the market, and the

decent work focus. The point is not just that these focuses are in some way novel in the ILO, it is that they have acquired a new regulatory dimension.

There is one more aspect of the situation that must be mentioned. At the end of this book we touch on some problems of interpretation, and some that go beyond interpretation, which stem from adopting a new recommendation that was created in the framework of an international agreement that was made all of twenty-nine years ago. It is no easy task to harmonize two sets of provisions that are separated by such a long interval of time, and the differences between the two instruments may contain the seeds of future challenges for the ILO and for governments and social partners.

To sum up, in our opinion, what is interesting about Recommendation 195 includes but also transcends matters of vocational training, leaning and vocational guidance.

The aim of this book is not just to provide information about the new instrument and the novel elements it contains, but also to stimulate the reader to reflect about the complex question (whose ethical and normative dimensions are summed up so well in the concept of decent work) of the ways in which people's work is regulated in the international ambit (which, after all, is precisely the function of the ILO).

The fact is that since vocational training involves the interests of people, enterprises and society as a whole it has the characteristic –and this has been dealt with in other Cinterfor/ILO publications– of being “hyper-textual” in the sense that it is linked to numerous aspects of labour and social life and cannot be limited to just one single dimension.

II. ILO policy on the revision of international standards, with special reference to recommendations about training

II.1 Problems and debates in standards policy

1. In an article published a few years ago Bartolomei de la Cruz,¹ raised the question of whether, since there is a trend towards fewer and weaker standards at all levels, perhaps we are faced with an exhaustion or decadence in the area of setting international labour standards. And he answered with a quote from a report by the then Director-General of the ILO: “We do not have to look very far to see that the need for setting standards is as great as ever: we just have to look at the unprecedented problems as regards safety and hygiene and the privacy of workers that the adoption of new technologies is causing.” There has been debate in this whole area for a number of years, between opposing positions that are very often difficult to reconcile. As we shall see, the ILO has not stood on the sidelines of these discussions, quite the contrary, it has itself been the international arena of discussion about this complex question.

The current situation of the ILO complicates the question still further because it overlaps with the inescapable need to confront problems in its *policy about standards*. The problems that need to be dealt with can be summed up as follows: a) there are international labour standards that no longer respond to the current situation of society and of production, and these have to be updated; b) some member countries have difficulty in ratifying conventions and implementing recommendations; and lastly, c) some conventions and recommendations

1 Bartolomei de la Cruz, Héctor, “El derecho social internacional: *aggiornamento* o decadencia?” in *Revista de Trabajo y Seguridad Social*, No. 13, January - March 1994, p. 65.

are still in force despite the fact that more recent standards in the same fields have been established.

2. However, concern about the pertinence of the standards laid down by the International Labour Conference goes beyond merely verifying their applicability to the current social and economic situation, or to the eventual juxtaposition of regulatory solutions that tackle the same questions but were established at different times. In fact, one inevitable consequence of adopting a convention or a recommendation is that the future effectiveness of the standard is compromised, and there is a warning in the Constitution about this: “When the Conference rules in favour of adopting proposals to do with a question of the order of the day, it will have to decide if these proposals should have the status: a) of an international convention, or b) of a recommendation, when the proposal in question, or some aspect of it, is not appropriate at that time for adoption as a convention”.

3. These problems and questions also have a bearing on the techniques and mechanisms for checking that standards are complied with.

From a procedural point of view, it is essential to make sure that adjustments to constitutional provisions are up to date with respect to inspection bodies, for provisions adopted by the Conference and not ratified (article 19), for the application of conventions that have been ratified (articles 24, 25 and 26), and even for the practices adopted by the Governing Body. All these aspects are examined in a study about “improvements in standards-setting” in a recent document from the Committee on Legal Issues and International Labour Standards, of November 2003.²

4. To give a full picture of the ongoing debate about the validity and pertinence of these international instruments, we also have to focus on the fluctuating tension between universality and flexibility, the two poles between which standards activity takes place. Flexibility translates into mechanisms that allow very diverse techniques to develop, and these make it possible for conventions and recommendations to be applied in a progressive way.³

It is not only in the recent past that concern in the ILO about this group of questions to do with the process of revising standards has involved employing

2 GB.288/LILS/1.

3 Servais, J. M., “Flexibilidad y rigor de las normas internacionales del trabajo”, *Revista Internacional del Trabajo*, vol. 105/86, No. 2, p. 263.

one of its most commonly-used procedures. In the following chapters we will give an account of the way this process has developed over time, paying particular attention to the recommendations that have a bearing on vocational training.

II.2 The process of standards revision in the ILO: continuity and differences

5. Almost from the very beginning, the ILO has been concerned about the question of revising standards. As far back as 1922 there was recognition of how important it was to agree on procedures to ensure that subjects were suitably prepared with reflection and debate, and the system of double discussion was introduced.

At that time the question of updating standards was handled by attempting to follow procedures laid down in the conventions themselves. Clauses were inserted that would allow the Governing Body of the International Labour Office to make reports about the application of these conventions, and suggest whether they should be revised or modified depending on the circumstances. At the present time this comes under the regulations of Convention 116 (1961), which deals with the revision of final articles, and there is also a specific item about revisions in article 11 of the Governing Body's regulations, and articles 44 and 45 of the Conference regulations.

As long ago as 1929 there was a proposal to make it possible to annul a convention that had become obsolete, a mechanism that could not be implemented at that time because it was considered that "the Conference, basing its decision on the contractual conception of the conventions, concluded that it was not competent to do so [...] the conventions constitute genuine contracts between the States that have ratified them, and the Conference could not annul the obligations generated by these ratifications".⁴ Today this obstacle can be overcome if there is sufficient ratification, a solution which was made possible by a 1997 amendment to the Constitution. The text of this amendment is given in an annex at end of this book.

But there are other alternatives to this extreme solution. Attempts to regularize national legal standards in situations like this where there are many stan-

4 Humblet, M.; Zarka-Martres, M., "La política normativa de la OIT", in the book *Las normas internacionales del trabajo. Un enfoque global*, J. C. Javillier (Dir.) VV.AA., ILO, 2002, p. 6.

dards about a subject very often come up against the same problem. This is that a mechanism of this type in the final clauses of a convention tends to weaken the standards in question. This solution was first introduced in 1929, and since then the adoption of a new convention that determines that a previous one on the same subject has been revised has meant the immediate annulment of the previous international standard. The previous standard will no longer be open to ratification, but it will continue to have legal force in those member countries that have ratified it but have not ratified the revised version.

6. Besides this necessary demarcation there is an inevitable disjunction between conventions that involve overlapping solutions. In most cases these solutions turn out to be no more than updated approaches to old problems, even though they might mean adopting focuses that are diametrically opposed to those in the old instrument. But the ILO considered it necessary to analyse all the conventions and recommendations case by case. As of June 2004, this involved a total of 185 conventions and 195 recommendations.

There is more than one reason for reviewing this complex interlocking network of standards. The aim is not just to make the system more coherent, but also to verify the pertinence of the instruments that are in force and to look into the possibility of undertaking studies with a view to establishing new standards in the future.

This is what lies behind the series of different *standards revision working parties* that have been set up at the Governing Body's headquarters at different times in the last few years. It also accounts for the frequent references and guidance in the Director-General of the Conference's reports and the tripartite debates that these have given rise to. These discussions are of inestimable value for the light they shed on the situation of current and future standards policy in the ILO, on the need to revise certain international instruments, and on the improvements that ought to be made to the mechanisms by which policies are implemented and controlled.

7. One important factor for the purposes of this study is to gauge the degree to which this process has made an impact and developed as regards the validity and scope of recommendations as standards in international law. For this reason special attention will be paid to these kinds of instruments when following up the progress made by the ILO in the field of revising standards. We will place

our main focus on recommendations about vocational training and human resources development in general.

8. The policy of revision really began at the end of the 1970s. Examining the course of the analyses and debates that have taken place since that time has been a most fruitful exercise and it has yielded a rich harvest of elements that are highly significant in the current debate about the regulations that govern people's labour lives.

The event that really triggered off this process was when, at the instigation of the International Labour Office, the Governing Body undertook a detailed study of international standards. The aim was to prepare the ground for updating ILO's procedures and activities to cater to real situations and real needs in today's world, and thus to make the promotion and application of standards more efficacious.

To carry out this task the Governing Body set up a working party to look into international labour standards, to propose a system for classifying ILO conventions and recommendations, and to identify subject areas that were considered to require further study or new standards.

9. It is important here to look at some of the Working Party's conclusions in the so-called Ventejol Report (named after the presiding officer of the party) that was submitted in 1979.⁵ In particular, conventions and recommendations were classified into four categories:⁶

- Existing instruments whose ratification and application should be urgently promoted. The working party placed 78 conventions and 76 recommendations in this category. The work involved "identifying the instruments which constitute valid objectives on a universal level and drawing up a list of the main modern standards in each ambit", thus establishing "a group of standards whose application and ratification should be an objective of social policy".

5 Final Report of the Working Party on International Labour Standards. *Official Bulletin (special edition)* vol. LXII, 1979, series A.

6 Paragraphs 3 to 11 of the Report. It should be borne in mind that some instruments that figure in category 1 also appear in category 2, so the totals do not correspond to the total number of conventions and recommendations in 1979 (the totals were 151 and 159, respectively).

- Existing instruments that should be revised: a total of 16 conventions and 14 recommendations. The working party made it clear that the classification of a recommendation in category 2 “does not only mean that that a revised recommendation should be adopted but that the possibility of adopting other standards in this area and even the possibility of a convention should be studied”.
- Other instruments in existence: 63 conventions and 81 recommendations. This category includes “a group of instruments that at the present time are not suitable for inclusion in any of the other categories. The inclusion of an instrument in category 3 does not imply that the obligations accepted in line with the instrument in question are not still valid or that supervision of their application should be weakened”.
- Questions that involve creating new instruments: 43 subjects. This comprises a wide variety of questions. The Employer member in the tripartite discussions stated that “acceding to the inclusion of a question in this category, or to an existing instrument in category 2, simply indicated agreement that the question or instrument should be examined so as to determine if there was a need for new or revised standards”.

10. Convention 142 (1975) concerning human resources development and training, and Recommendation 150 (also from 1975) on the same subject both figure in category 1, the category of instruments to be given priority in promotion. Also in category 1 we find the Paid Education Leave Convention (No. 140), 1974, and Recommendation 148, which deals with the same subject.

The subjects in category 4 that have some connection with employment policies and more distant links to human resources development include the question of “protecting the basic rights of workers in the face of technological development”, which in the opinion of the ILO goes beyond “simple job security, including the need for more vocational training and re-training already covered to a certain extent by Convention 142 and Recommendation 150 concerning human resources development”.⁷

11. The Working Party also tackled policies for standards setting in the future, and put forward formulas to make international standards more flex-

| 7 Paragraph 19 of the report cited.

ible⁸ and procedures for revising them. One proposal that was thought to be promising was the idea of adding protocols to the conventions,⁹ and reaffirming the potential usefulness of “less formal guidelines such as regulations or practical recommendations”.¹⁰

12. The Director-General returned to the subject of ILO standards policy in his report at the 70th meeting of the Conference (1984). He discussed the adoption, revision, consolidation and application of standards; the identification of the improvements needed in the procedures for adopting conventions and recommendations; the definition of principles for controlling the application of standards; the adoption of measures to help the member States to actively take part in drawing up standards and promoting their application; and the implementation of measures to ensure good coordination between different international organizations in the area of standards.¹¹

As a result of the observations and debates about the report, the Governing Body set up a second working party whose basic mandate was: a) to examine the classification of the conventions and recommendations made in 1979, b) to consider and formulate recommendations for future policy as regards adopting standards; c) to consider the importance that should be given to revising and consolidating existing standards; and d) to consider the formulation of standards for new subjects.¹²

8 Among the solutions proposed is one in paragraph 42 which deals with “the possibility of partially accepting a Convention; the possibility of excluding from its application determinate sectors of activity, categories of workers or areas of the country; staged clauses that allow for ratification at different levels of concrete obligations; the adoption of conventions that only establish essential principles, incorporating more precise and detailed standards into a supplementary recommendation; and the possibility of adopting optional solutions to a problem, a system that up to now has been utilized only once, in the Fee-Charging Employment Agencies Convention (revised) 1949 (No. 96)”. The Swiss government proposed that the Conference could perhaps follow the example of article 33 of the European Social Charter, which allows certain basic provisions of the Charter to be accepted if these apply to the great majority of interested workers through laws, collective agreements or other measures. In particular, this government felt that a provision of this kind could help a federal State to ratify the conventions even if the situation in some of the states that constitute it were not in agreement with all the provisions of the conventions in question” (paragraph 44).

9 Report cited, para. 50.

10 Report cited, para. 51.

11 General Director's Report, p 71.

12 Report from the Working Party on International Labour Standards, *Official Bulletin*, Vol. LXX, 1987, series A, paragraph 1.

II.3 The social actors' point of view

13. Unlike the 1979 report, the 1987 report contains a wealth of references to different opinions from government sectors, employers and workers, and this yields a perspective on the positions that are in play and on current trends.

According to the second report, the Committee agreed that standards activity is important as a means for promoting balanced development under fair and free conditions, and as a source of inspiration for social policies. They also agreed on the degree of universality and flexibility these standards should have.¹³

In spite of this declaration of principles, annex 1 of the report deals with the opinions of governments, employers and workers, and it emerges that the employers as a body consider the present situation to be unsatisfactory.¹⁴

14. The Employer members observed that “the traditionalist view of labour standards was based on the belief that working conditions could be improved by (minimum) labour standards and that this was the best available way of doing so”. They considered that the first of these premises is at least partly true, but that “the second was arguable [...] if a standard has the effect of closing down an enterprise or part thereof because it was no longer economically viable, it is not apparent that the standard had benefited the workers formerly employed there. Likewise, standards might inhibit employment growth elsewhere in the economy [...] Standards were likely to be most effective when they gave a lead which most employers in most countries could follow within a reasonably short time without adverse economic consequences for enterprises, their workers and the community at large”.¹⁵

They added that, “‘Minimalist’ Conventions supplemented by more comprehensive Recommendations would be one way of making standards more globally applicable”,¹⁶ suggesting, among other things, that the working party should

13 Paragraph 6 goes on: “At the same time, the necessity of realism and effectiveness was again stressed. There was agreement that international labour standards should continue to be drawn up on a universal basis, and that they should be conceived so as to respond to the needs of all member states. As the Constitution provides, they should be framed with due regard to differences in the levels and conditions of development. This requires in the first place a systematic and methodical examination of the various flexibility devices which, depending on the subject-matter covered, should be incorporated in Conventions”.

14 Report cited, appendix 1, para. 1.

15 Op. cit., appendix I, para 2.

16 Op. cit., appendix I, para. 4.

give particular consideration to “the use of Recommendations, as instruments in their own right rather than merely appendages to Conventions”.¹⁷

15. The Worker members questioned the argument that “a choice had to be made between social progress and more employment. Employment without social progress is an illusion. Social progress could be a factor in creating more employment”. They also questioned “the suggestion that the situation today was markedly different from that of 1919. The problems which had then to be faced were no less difficult than those of today”. They expressed concern about “systematic attacks on the ILO’s standards-setting system in the name of deregulation and flexibility”.

They added that “it is false to link the value of a Convention to the number of ratifications. ILO instruments were adopted through a specific procedure involving full consultations of governments and employers’ and workers’ organisations. This resulted in realistic standards, worked out by all member States, and the objectives of which were set by common agreement. The number of ratifications was a secondary matter”.¹⁸

16. What stands out from the observations made by governments and employers’ and workers’ organizations are the comments about recommendations. As a general rule these instruments are appreciated. For example, the Swiss government felt that “they should not be regarded as minor instruments with no practical effectiveness”, quite the contrary, they stress the obligation to write and submit reports, in line with established constitutional procedure. The government of the United Kingdom considered that “greater use should be made of them...since they are highly flexible and much more universally acceptable, particularly where the difference in levels of development makes it difficult to adopt standards of a binding nature”.¹⁹ The governments of Tunisia and Burundi echoed these views.

17. In the new classification of ILO standards instruments made by the working party, Convention 142 and Recommendation 150 still figured in category 1, the class of instruments that should be promoted urgently.²⁰

¹⁷ Ibid, para. 7.

¹⁸ Ibid, para. 10.

¹⁹ Ibid, para. 45.

²⁰ The Paid Education Leave Convention (No. 140, 1974) also figures in category 1, as does Recommendation 148, which deals with the same subject.

The inclusion of new subjects in the field of employment and human resources development policies were considered on this occasion with a lower level of proposals.

In the 1979 classification one area that was put forward as a possible subject for new instruments was the “protection of basic rights of workers in the face of technological development”, and this has borne fruit. The working party report says that “The Employment Policy (Supplementary Provisions) Recommendation of 1984 (No. 169) deals in Part IV with technology policies in relation to the increase of productive potential and the creation of employment opportunities. The Termination of Employment Convention (No. 158) and Recommendation (No. 166) contain provisions on termination of employment for economic, technical, structural or similar reasons”,²¹ all of which made it anachronistic to refer to the proposals adopted in 1979.

18. In 1994, on the 75th anniversary of the ILO, the Director-General’s report “Preserving values and promoting change”²² again took up the subject of the revision of standards in a more general analysis of modifications to the ILO’s methods and practices.

With reference to the challenges to and criticisms of the ILO standards system, the report says that “it is not inevitable that new circumstances will undermine ILO standards-setting activities, and advantage should be taken of this unique opportunity to give them new vigour”. Hence three courses of action are proposed:

- to adapt standards activity to real and urgent needs;
- to explore new avenues for promoting basic social rights; and
- to create a new synergy between international labour standards and the development of international trade.

21 Paragraph 12 of annex III: “Commentary on the revised classification of conventions and recommendations and possible subjects for new instruments”. In other cases, in spite of serious differences, it was decided that subjects like worker participation in decision-making in enterprises would be retained. In paragraph 17 we read: “In view of the very diverse practices in different countries and greatly differing views within the countries, it may be difficult to secure a sufficient measure of agreement for the adoption of standards on this subject. The Working Party nevertheless decided to retain this item”. Two new items were included as possible subjects for new standards: the protection of workers in matters of discipline, and data protection for workers (paragraphs 17 and 18 in annex III).

22 See in particular chapter 3 of the document entitled “Standards: a wider perspective”, the Director-General’s report at the 81st meeting of the International Labour Conference, pp. 45 to 73.

When it comes to the disjunction between the flexibility of conventions and the reaffirmation that these instruments should carry the force of an obligation, the report says that recommendations should serve as guidelines and models. In addition, whenever a convention cannot be ratified without some prior diluting of its provisions, it would be preferable to adopt instead a completely autonomous recommendation which is clear, precise and detailed, and which can serve as a guide for the member States on their path towards fuller development. These States can subsequently move towards adopting a convention. The report goes on to recommend that the Conference should give this matter all the attention it deserves, and perhaps reconsider the practice of almost systematically adopting a convention and a recommendation that deal with the same subject.²³

19. The observations made about this report at the 81st meeting of the Conference were summarised in a document by the Governing Body.²⁴

This makes it clear that, in the opinion of many government and workers' members, the setting of labour standards should continue to be the main focus of ILO activity, and this central role cannot be called into question. But this view was not shared by the employers' members on the Standards Application Committee, who questioned whether this subject still merits this privileged position among the objectives the ILO is currently geared to.²⁵ They stressed that it should be recognized that, in the ILO's ambit of activity, there is room for autonomous technical cooperation or other measures which lie outside the ambit of standards.

According to the employers' members, and in what can be seen as a forerunner of the current proposals about *entrepreneurship*, technical cooperation should not just be a means to promote the standards. The development of productive employment presupposes support for training and for the setting up of enterprises, and these are fields which are not really suitable for the setting of universally applicable standards.²⁶

In reply, the workers' members pointed out that the organization still did not have conventions about access to labour tribunals or how these should func-

23 Report cited, p. 53.

24 GB.261/LILS/3/1.

25 Doc. cit., para 7.

26 Doc. cit., para. 8. Also in annex I, "The future of standards activity in the ILO" (extract from the report of the Standards Application Committee), paras. 200-201.

tion, or about retaining collective and individual rights in the case of a move from one enterprise to another.²⁷

The government members were faced with two positions on standards that were diametrically opposed. They stuck to the middle ground and agreed to the idea of adopting new standards if and only if these were in accordance with certain conditions that were to be specified.²⁸

20. Bearing in mind the aims of our study, it is important to focus on the chapter in the report that deals with the “diversity of legal instruments”.

It says that the Director-General’s report underlines the value of recommendations and the role that they have played and could play as autonomous instruments that do not necessarily have to be linked to conventions. There is also a call for the Conference to examine the need for a kind of “soft” legislation that could take the form, for example, of lists of practical recommendations and codes of conduct.²⁹

There was some debate about the subject of “autonomous recommendations”. The employer members were more inclined to opt for autonomous recommendations, but some government members pointed out how useful a combination of convention and recommendation could be. One worker member took the opposite view, and cast doubt on the utility of autonomous recommendations not because they lack intrinsic value but because of the attitude that governments and employers’ organizations had towards them on the national level. The argument was that they were not considered important because they did not carry legal force.³⁰

The worker member from the United Kingdom warned that there was a risk that these soft instruments might cease to be a support for standards and become instead a substitute for standards.³¹ It was pointed out that more than half the instruments adopted between 1951 and 1970 were autonomous recommendations, but since 1971 this kind of instrument has only been used in exceptional circumstances.

Lastly, the report contained a summary of the subjects that ought to be researched, analysed and discussed in the future. These included the role that stan-

27 Doc. cit., para. 13.

28 Doc. cit., para. 12.

29 Doc. cit., para. 36.

30 Doc. cit., para. 37.

31 Doc. cit., para. 39.

dards activity plays in the ILO, the prospects for adopting new standards, the need to revise current standards and the content of conventions, procedures for establishing standards, and the utilisation of different legal instruments. Other important points mentioned were the fostering of conventions about basic social rights, the strengthening of inspection systems, the creation of voluntary mediation and arbitration procedures, provisions about multinational enterprises, etc.

21. The Governing Body³² listed six *a posteriori* proposals geared to “improving the practices and results” of the organization:

- To identify the points where standards instruments need revising. This is called for in spite of the fact that, according to the conclusions of the Ventejol Working Party,³³ it would seem that very few revisions have to be carried out, although priority was given to updating the classification system.
- The possibility of extending and completing the function of evaluating standards ought to be considered.
- The possibility of diversifying the methods used for revisions.
- To make the standards system more coherent, for example by annulling certain conventions or adopting practical measures that would help to clarify the situation.
- To analyse the evolution of the number of ratifications.
- To deal with the problem of the ratification of revised conventions since, with some few exceptions, these tend to be ratified less than the original conventions or certain conventions that have not been revised.

Lastly, the Governing Body set up a new working party to look into standards revision policy. This work was completed recently, but before going into the details of the party's efforts we should first look at the Director-General's report to the 85th meeting of the Conference (1997).

22. This report is important for the purposes of our study since it returns to the subject of the value of recommendations, and leaves conventions to be used for important questions that are amenable to precise definition and action.³⁴

32 GB.262/LILS/3.

33 The name of the presiding officer of the working party designated by the Governing Body, and whose 1979 and 1987 reports have been used in the writing of this study.

34 Report to the 85th meeting of the International Labour Conference: “The ILO, standards setting and globalization”, pp. 54-55.

It is stated in concrete terms that “This distorted view with respect to the influence and prestige of Conventions can be in part accounted for and excused by aberration in a practice which, by overlooking the required follow-up, has obscured the fact that Recommendations are instruments in their own right”.

On the main subject of following up recommendations, the report says, “Like Conventions, they are supposed to be followed up to measure their impact; and to be updated to retain their relevance. And now we come to the crux of the problem: if Recommendations are to regain their rightful place, they should once again become autonomous instruments unrelated to a Convention; they should then, and this of paramount importance, be followed up on a regular basis as provided for by the Constitution, to verify both their application and their relevance”.³⁵

But, according to the report, there are other problems that affect recommendations as international standards. One of these is that most recommendations are not autonomous, and what is more, when they accede to conventions the exact way in which they supplement these conventions is not clear since very often they do no more than repeat certain provisions in the convention, or at most add specifications that have not found a place in that text. The report even says that the obsolescence of recommendations could have a greater effect on the ILO’s credibility than on that of the conventions, which are indirectly put aside either because they are overruled or because they never came into force.

Lastly there is a warning that “although the abrogation of international labour Conventions required an amendment to the Constitution –which is now before this Conference for examination– nothing prevented the Conference from withdrawing any Recommendation considered obsolete by means of an *acte contraire* (i.e. an instrument to undo what it has done), adopted in accordance with the same procedures and majority requirements as those that applied to the Recommendation in question”.³⁶ Furthermore, there is a later mention of the reform of article 45 of the Standing Orders of the Conference, and of the need to renew a practice in line with the Constitution with respect to following up recommendations.

Article 45 will thus have a “45 b”, and henceforth this will allow numerous recommendations that were implemented in recent years to be withdrawn.

³⁵ Ibid, pp. 60-61.

³⁶ Ibid, p. 62.

23. We now return to the subject of the Working Party on the Policy for the Revision of Standards, which was set up at the 262nd meeting of the Committee (March 1994). Their mandate was not limited to a case-by-case examination of existing standards, they also tackled methods for revising standards, the question of the derogation or suppression of international labour conventions, etc.

In the Committee's 1995-1996 report to the Conference it states that the question of the revision of standards was examined by the Committee on Legal Issues and International Labour Standards' Working Party on Standards Revision Policy, and there was general agreement about the objective of their work, which was to renew and reinforce the standards system. Based on this report the Governing Body decided that the six conventions about basic human rights (Conventions number 87, 98, 100, 111, 29 and 105) and the other four priority conventions (Convention 81, 122, 129 and 144) would be excluded from any revision, and that the case of Convention 158 would remain suspended for the time being.

In the 1998-1999 report, it says that the Working Party on Standards Revision Policy had continued in its task of looking into the need for this revision. In March the Working Party examined the conventions concerning seafarers, and this meant that their work on the conventions was practically at an end. They moved on to a detailed examination of the international labour recommendations, after first discussing what method they should adopt in this revision. These aspects will be looked at in greater detail below.

24. The Working Party made an innovation in that, for the first time, they thoroughly analyzed the texts of the recommendations one at a time. They also examined the course and eventual fate of decisions taken by the Working Party in the past.

On the subject of revising standards, it was noted in the Governing Body's 1999-2000 report that since the Working Party on Standards Revision Policy had virtually completed their work on the conventions they had turned their attention to methods for revising conventions and recommendations.

The Party examined various conventions and recommendations about fishermen. Summaries of information about the Working Party's previous activities can be found in documents presented in November and March, which also cover the course taken by their respective recommendations.

II.4 An attempt to establish a foundation in constitutional rationality

25. At this point we shall examine a series of aspects that frame the task of the Working Party on Standards Revision Policy. In some of their documents there is an analysis of the legal grounds for the policy of revising standards in relation to the constitutionality of the proceedings.

It is also important for our purposes to study the criteria used in classifying the recommendations, and in particular the analysis made of the instruments that impinge on human resources and training. In this area we can detect a change of criteria with respect to Recommendation 150 which – and let us make this clear right now – is no longer a priority for revision.

On the matter of a legal-constitutional foundation or grounding, recommendations differ from conventions in that they do not go through a ratification process and therefore do not have the status of legal obligations that is derived from ratification. This aspect of recommendations would, in principle, seem to make it easier to revise them since revision could be effected by simply adopting a new recommendation about the same subject matter.

But the practice of the Conference is such that there is no systematized way to revise standards, and in fact successive recommendations and international conventions have superimposed different solutions in subject areas that are already dealt with in previous instruments. This means that the whole interlocking fabric of standards is extremely complicated and in places downright contradictory.

The problem gets even more tangled when we consider the fact that the formal steps for adopting recommendations, and the resulting obligations that States assume, are set out in the Constitution, but this does not apply to revisions, which are not mentioned at all. There is an attempt in the Standing Orders of the Conference to fill this noticeable gap by dealing with “Procedure in case of revision of a Recommendation” (article 45).

The Conference is the body with exclusive competence in the field of revising or amending recommendations, but its regulations are imprecise when it comes to defining the effect that adopting a revised recommendation will have on the original recommendation. According to the Conference’s Standing Orders, the revised recommendation would replace the previous recommendation, but this solution is not clearly stated in the procedural rules that regulate the workings of the Conference.

The Governing Body maintains that the previous recommendation would lose its legal force to the extent that it was annulled by the new regulations, that is to say, if the provisions in the revised recommendation left the previous version without effect or stipulated that it be replaced by the new ruling. Thus “the Conference shall not revise in whole or in part a Recommendation which has previously been adopted by it, save in respect of a question or questions placed by the Governing Body on the agenda of the session.”³⁷

There is another situation to consider. A recommendation may have fallen into disuse either because its provisions have been replaced by the provisions of a subsequent recommendation or convention, or because the circumstances in which it was first drawn up have completely changed.

26. We have to make a clear distinction between two aspects:

a) The first is when a subsequent convention could replace a previous convention. Even though Conference regulations do not cover this eventuality, it must be taken that this procedure is fully in accordance with the Constitution. In fact, in article 19.1, it is laid down that a recommendation can be adopted if the matter in question, or some aspect of it, is not suitable at that time for adopting a convention. From the tone of this article we can infer that when conditions are suitable the provisions in a recommendation may be included in a subsequent convention. In fact, there are a number of examples in the ILO standards system of conventions, sometimes accompanied by a related recommendation, that have replaced the provisions of previous recommendations. If we accept that a previous recommendation can be replaced by a subsequent recommendation, we have to accept that it could also be replaced by a subsequent convention, provided that the Conference’s intentions in this respect are explicit.³⁸

b) The second question that arises³⁹ has to do with any recommendation that has become obsolete when the specific conditions that prevailed at the time it was adopted have changed significantly. For example, if a sector of economic activity has disappeared as the result of technological development, the recommendation about that sector would fall into disuse and become obsolete. These are questions of fact, and they would have to be assessed on a case-by-case basis. The recommendation in question would become irrelevant, it would lack legal

37 Ibid, para. 9.

38 Ibid, para. 12.

39 Ibid, para. 13.

efficacy, but it would still retain legal force unless constitutional measures were taken to annul it.

It is clear that the ILO standards system is not immune from the well-known tension between legal validity and efficacy.

27. It is worth examining the hypothesis that the Governing Body focuses on: the possibility that a recommendation could fall into disuse when its provisions are “replaced” by the provisions of a subsequent recommendation or convention. In these situations it is considered more important to proceed with revising the first version.

In any case, if no revision was carried out the recommendation would still be obsolete.

On this question the document expressly concludes that there has to be a distinction between recommendations that are revised and those that are obsolete. The revision of a recommendation, like the adoption of a new recommendation, can only be effected through an act on the part of the Conference, but obsolescence, on the other hand, is a question of fact. It could be argued that this is merely a formal distinction and that in practice there is not much difference between a recommendation that has been legally replaced and another that has become obsolete but has not been legally replaced. However, this distinction does allow a line to be drawn between what falls under the competence of the Conference and what lies within the competence of the Governing Body. Another consequence of this distinction is that it has implications for the practice of the Conference on the one hand and the measures in this field that the ILO has taken on the other.

28. Since 1948 not many recommendations have been revised, and this is because it has been more common for the Conference to replace previous recommendations. The Working Party will have to examine various recommendations that have been explicitly replaced by subsequent recommendations. The term ‘replaced’ was first employed in the text of the Vocational Training Recommendation of 1962 (No. 117). It is clear from the preparatory work for that recommendation that the objective at that time was to draw up a single instrument which would replace three previous recommendations, but since then the recommendations have been replaced by subsequent recommendations or conventions.⁴⁰

| 40 Ibid, para. 16.

We should note that, when referring to recommendations, the term “replaced” has been employed with two senses.

In one sense it refers to the case of a recommendation being replaced by a subsequent instrument in virtue of an explicit provision adopted by the Conference. But besides this, it has also sometimes been used in a wider sense to designate recommendations that have become obsolete because other standards have been subsequently adopted. The ILO proposed that the Working Party should use the term “replaced” to designate all legal replacements based on decisions expressly taken to that end by the Conference. This report, however, uses the term to refer to replacement in fact. The ILO standards system is now rather complex to say the least, and in some cases subsequent standards can have a direct or indirect bearing on the provisions contained in previous recommendations. In this situation the only unchallengeable criterion that guarantees a solid legal foundation is to determine what exactly the intention of the Conference was in each individual case. Did the Conference really want to replace the previous recommendation? The provisions of the subsequent instrument or, if these do not provide a clear indication, then the preparatory work for the adoption of the instrument, should clarify whether or not the Conference had that intention. If that was not in fact the intention, then the previous recommendation cannot be considered to be legally replaced, even though it may have become obsolete due to the adoption of subsequent standards. Therefore the ILO proposed that the Working Party should make a distinction between recommendations that have been explicitly replaced by the Conference on the one hand, and recommendations that have become obsolete because of changed circumstances or the subsequent adoption of other standards on the other.⁴¹

29. The Working Party also made a distinction between recommendations that accede to or supplement a convention, and autonomous recommendations. The former share the same fate as the convention in question, so they are not revised or replaced unless the convention is. However, this was not what happened in the case of Recommendation 150, which was replaced without any serious questioning of the current relevance of Convention 142.

When it comes to recommendations that accede to a convention, the Governing Body has made it clear that the findings of the Working Party on the

| 41 Ibid, para. 24.

status of a convention could have an influence on the formulation of proposals that deal with the corresponding recommendation(s). In other words, if the Working Party has previously recommended that a convention be revised then in all probability the recommendation that accedes to it will also have to be replaced. Likewise, if the convention is judged to be still valid, the corresponding recommendation will undoubtedly be considered still valid as well. There might be exceptions to this rule, and these will be analysed on a case-by-case basis.⁴²

It would seem that Recommendation 195 constitutes one of these exceptions.

30. The Working Party was instructed by the Governing Body to analyse the recommendations case-by-case and classify them into seven categories: a) recommendations that could be replaced; b) recommendations to be promoted; c) recommendations that have been replaced by subsequent instruments; d) recommendations that can be considered obsolete and should be annulled; e) cases in which further information is required; f) recommendations in the status quo; and g) the case of a recommendation whose analysis has been postponed.

II.5 A substantial change in the consideration of Recommendation 150: from instrument to be promoted to a proposal that it be revised

31. In its case-by-case analysis, the Working Party dealt with nine recommendations about vocational guidance and training. Eight of these were autonomous, and one, Recommendation 150, was accompanying a convention.

An extract from the Working Party's considerations about the recommendations pertaining to vocational training, which dates from its meeting in November 1998 and was documented by the Governing Body, is given below.⁴³

Vocational Education (Agriculture) Recommendation, 1921 (No. 15)

This is an autonomous instrument. In 1974 it was considered that Recommendation 15 had been replaced by the Vocational Training (Agriculture) Recommendation of 1956 (No. 101). The Ventejol Working Parties of 1979 and 1987

⁴² Ibid, para. 25

⁴³ GB.273/LILS/PW/PRS/3. Paragraph 41 deals with this subject.

classified this recommendation in the category of “other instruments”, but the current report states that in fact, since it has been replaced, “it no longer serves any useful purpose”. Therefore the recommendation in question can be considered obsolete and the Conference could proceed with its withdrawal.

Vocational Education (Building) Recommendation, 1937 (No. 56)

This is also an autonomous instrument, and in 1974 it was judged to still have utility. Nevertheless, the current report says that “Since that time, the two areas to which it relates –vocational education and safety and health in the building industry– have been newly regulated by the following instruments: the Human Resources Development Convention, 1975 (No. 142) and Recommendation No. 150, and the Safety and Health in Construction Convention, 1988 (No. 167) and Recommendation No. 175. It is not referred to in the preambles to any of these instruments. The Ventejol Working Parties of 1979 and 1987 classified it in the category of “other instruments”.

In the light of these provisions it was concluded that “this Recommendation no longer serves any useful purpose”, and again it was proposed that the Conference should withdraw it in due course.

Vocational Training Recommendation, 1939 (No. 57); Apprenticeship Recommendation, 1939 (No. 60); Vocational Guidance Recommendation, 1949 (No. 87); Vocational Training (Adults) Recommendation, 1949 (No. 88); Vocational Training (Agriculture) Recommendation, 1956 (No. 101); and Vocational Training Recommendation, 1962 (No. 117).

With reference to these instruments, the report says that “Paragraph 80 of the Vocational Training Recommendation, 1962 (No. 117), provides that it supersedes Recommendations Nos. 57, 60 and 88. Paragraph 77 of the Human Resources Development Recommendation, 1975 (No. 150), provides that it supersedes Recommendations Nos. 87, 101 and 117”. Consequently it is proposed that “the Working Party might recommend to the Governing Body to note the replacement of the Vocational Training Recommendation, 1939 (No. 57), the Apprenticeship Recommendation, 1939 (No. 60), the Vocational Guidance Recommendation, 1949 (No. 87), the Vocational Training (Adults) Recommendation, 1950 (No. 88), the Vocational Training (Agriculture) Recommendation, 1956 (No. 101), and the Vocational Training Recommendation, 1962 (No. 117)”.

Human Resources Development Recommendation, 1975 (No. 150)

This is the only instrument in the area of training that is not autonomous since it accedes to, and was adopted jointly with, Convention 142 (1975).

Here we come to the most important change in our subject matter because it involves a different direction in the Working Party's deliberations from that taken by the 1979 and 1987 Parties as regards the classification of this recommendation, which was previously located in category 1, "instruments to be promoted on a priority basis."

The report says that "Since 1988, the Committee of Experts has referred to it in 19 comments. Paragraph 77 of the Recommendation provides that it supersedes Recommendations Nos. 87, 101 and 117. Convention No. 142 was submitted to the Working Party for examination at the 268th Session of the Governing Body. The Governing Body decided to invite the member States to examine the possibility of ratifying this Convention, while inviting the Director-General to undertake a study on the ways and means of increasing and developing technical cooperation in this sphere. The Working Party proposed that the status of this Convention be re-examined in due course. Furthermore, as indicated above (page 14), an item entitled "Human resources training and development: Vocational guidance and vocational training" has been placed on the agenda of the 88th Session (2000) of the International Labour Conference for a general discussion. The proposal relating to this subject is developed in document GB.271/4/1 (paragraphs 13-33). The document notes that while the Human Resources Development Convention, 1975 (No. 142), which is rather general, can still be regarded as valid, Recommendation No. 150 appears to be outdated due to developments in economic and social conditions. The general discussion scheduled should guide the Office as to possible future standard-setting action. This action could include the elaboration of new instruments to replace Recommendation No. 150".

32. It is proposed that the Working Party should recommend that the Governing Body should "support the taking into consideration of the Human Resources Development Recommendation, 1975 (No. 150), during the general discussion scheduled for the year 2000 on the subject "Human resources training and development: Vocational guidance and vocational training" in order to assess the possible need to replace it".

33. In its March 1999 session, the Governing Body took note of the Working Party's progress, which had proceeded with the study of 42 recommendations and established a methodology for analysis that distinguished two categories: "those instruments that had been revised or replaced juridically by decision of the Conference, and those which were out of date as a result of the adoption of new standards or a change of circumstances, on which the Conference had not expressed its views".⁴⁴ It also noted that "in practice the Conference has tended to replace Recommendations rather than revise them under article 45 of its Standing Orders", pointing out that "Replacement, which includes the modification of a Recommendation by a Convention and/or a Recommendation, has a wider scope and is more flexible than its revision".⁴⁵

To avoid confusion on this point, it was made clear that the ILO had reserved the term "replacement" without qualification for the first kind of cases, that is to say for legal substitution. In the second class of cases, the ILO would be referring to a replacement "in fact". In a parallel way, the recommendations are divided into two groups, those linked to a convention and those that are autonomous, "on the principle (emphasized by the Working Party at its last meeting), that the outcome of a Recommendation should normally be the same as that of the Convention it accompanies. Where a different solution from that adopted previously for the Convention is proposed for the Recommendation, the Office has given its reasons".⁴⁶

The Working Party was requested to classify the recommendations into the seven categories mentioned above: replaced recommendations (the (legal) replacement of seven recommendations by subsequent instruments); obsolete recommendations (when a recommendation is considered obsolete and no provisions are made to replace it by a new version, the Governing Body is advised to note that this recommendation is now obsolete, and it is proposed that the Conference should annul it at a suitable time); the promotion of updated recommendations; recommendations that should be replaced; recommendations that require evaluation as regards the need for replacement; the maintenance of the status quo, with examination of the recommendations postponed.⁴⁷

44 GB.274/LILS/WP/PRS/3.

45 Ibid, para. 1.

46 Ibid, para. 3.

47 Ibid, para. 5.

34. To clarify the subject of recommendations to be replaced we have to look more closely at the report since it contains references to Recommendation 150.

It says specifically that it is laid down in the framework of the analysis of the question as it appears in the order of the day of the 88th meeting of the Conference, that it is necessary to proceed with the replacement of the Human Resources Development Recommendation of 1975 (No. 150). Given that the general discussion should include an examination of Recommendation 150, the Working Party is asked to recommend that the Governing Body support this examination, which could lead to agreement on the need to replace the instrument in question.

35. At the 276th session of the Governing Body, the group of recommendations studied by the Working Party was considered. As regards connections to vocational training, it says in the document⁴⁸ that one group of recommendations are expressly replaced: “The Working Party took note of the fact that, in practice, the Conference had tended to replace Recommendations rather than revising them pursuant to article 45 of its Standing Orders. Replacement, which includes the modification of a Recommendation by a Convention and/or a Recommendation, is a more far-reaching and more flexible method than revision. The Governing Body took note of the replacement of seven Recommendations by subsequent instruments.”

Furthermore, “As regards 13 other Recommendations, the Governing Body noted that they were obsolete and recommended that they be proposed for withdrawal by the Conference.” These included the Recommendation concerning vocational education (agriculture), 1921 (No. 15), and the Recommendation concerning vocational education (building), 1937 (No. 56).

The Governing Body decided to maintain the *status quo* of four of the recommendations, including one that deals with human resources, No. 150 (1975).⁴⁹

36. Lastly, at its meeting in March 2002, the Governing Body noted that the Working Party’s task was almost finished.⁵⁰ This work had consisted of a case-by-case examination of 181 conventions and 191 recommendations, 71 of which were considered up to date, and 33 were not examined because they contained links to fundamental priority conventions or had been adopted after 1985.

48 GB.276/LILS/WP/PRS/1, para. 41.

49 Ibid, paras. 41 to 44.

50 GB.283/LILS/WP/PRS/1/2.

The 17 recommendations that were expressly replaced include the Vocational Training Recommendation of 1939 (No. 57); and recommendations concerning apprenticeship, 1939 (No. 60); and about vocational training (adults), 1950 (No. 88), whose most recent instrument is the Recommendation concerning vocational training of 1962 (No. 117). Also considered replaced, in this case by the Human Resources Development Recommendation of 1975 (No. 150), are Recommendation 87 (1949) concerning vocational guidance, Recommendation 101 (1956) concerning vocational training (agriculture), and Recommendation 117 (1962) concerning vocational training.

The Governing Body took note that 41 recommendations were obsolete and decided to propose at the appropriate time that they be annulled. This group includes Recommendation 15 (1921) concerning vocational education (agriculture), and Recommendation 56 (1937) concerning vocational education (building).

At the same meeting the Committee on Legal Issues and International Labour Standards, classified (in an appendix) the basic priority international conventions and ‘other conventions’, a category containing conventions that have to do with human resources development, 1975 (No. 142) and with paid education leave, 1974 (No. 140).

II.6 By way of synthesis: a starting point for revising Recommendation 150 amidst the typical legal contradictions

37. In the last analysis, the problem of ILO policy on revising its main standards instruments would seem to come down to some fairly typical contradictions in labour law:

- a) First, a fair part of the debate takes place against a background of the opposed terms of the regulation of standards versus their flexibility. This is expressed in the specificity of the organisation’s activities: the relation between conventions and recommendations, a question that also figures in the debates about the possibility of a minimal or soft regulation, and in the importance given to the value of recommendations as autonomous instruments, etc.
- b) The problem of the validity and efficacy of standards runs through the whole story of different working parties implemented by the Govern-

ing Body. In this work, the effort seems to have centred on an attempt to establish legal grounds for the policy of replacing standards, which culminated in a reform to the Constitution in 1997 (which has not yet come into force), and focus on the need to revise 'obsolete' instruments that undermine credibility and legal status, etc. This area is further complicated by the fact that although the validity of international standards has a clear and precise dimension, their efficacy has a double dimension: on the international level the game of actual replacement or obsolescence, and on the national level the implementation or lack of application.

- c) Concern about some procedural aspects like the inspection and applicability of standards, which has found expression in efforts to improve the constitutional mechanisms established in articles 19, 24 and 26, and the necessary return of information from the member States about the fate of the recommendations.

38. There has been a change in perspective as to the current importance and relevance of Recommendation 150 that can be seen in the Ventejol reports of 1979 and 1987 and the conclusions of the Governing Body's last Working Party. The former classify this recommendation as an instrument to be promoted, but the later study consigned it to be revised. This subject will be dealt with in greater depth below.

III. Vocational training in international labour standards

39. The recommendations about vocational training are a good example of autonomous standards that developed in a promising way until the mid 1960s and then stalled, but started to move again in 1975 when a convention and a complementary recommendation were adopted.

This is also a good point at which to survey some elements that have remained constant, and the evolution in the regulation of vocational training through international standards. As an introduction to this subject we can note the following:

- a) The first recommendations concerned specific subjects, which were agriculture (at the Conference's first few meetings) and building.
- b) As time passed the recommendations became more general and extended to almost all activities. They also became more and more complex and contained a mass of details, and this was to be one of the most common criticisms of Recommendation 150.
- c) To balance this, Convention 142, which deals with the same subject, is short and the content is accessible, but paradoxically this does not make it very apt for the new content in Recommendation 195, as will be seen in the last chapter of this book.
- d) Just as the recommendations studied can be seen to have evolved, incorporating new subjects and modifying focuses and approaches, so a parallel change in the language of the international labour standards has been taking place and this is also significant. For example, in Convention 142 and in Recommendation 150 the term *human resources* appears, and it comes into general use from that time on. The terms *social dialogue* and *social partners* are used in Recommendation 195, and these

terms have now spread and become general even outside the area of training. The same can be said of the concept of *labour competencies*.

III.1 Autonomous recommendations about training

40. The classification adopted by the ILO of “autonomous and complementary” recommendations has a special application in the area we are looking at since the first recommendation dealing with this subject was No. 15 (1921), but it was not until 1975 that the first and only convention on this subject appeared. That is to say, there was a wait of fifty-four years from the first autonomous initiative until the first instrument that complemented and supported it.

The early Recommendations Nos. 57, 60 and 88 were replaced by Recommendation 117, which in turn was replaced by Recommendation 150 (which also replaced Recommendations 87 and 101).

We will now give a brief overview of the evolution of these changes. We will focus exclusively on recommendations that are specifically about training, and we will not tackle references to this in recommendations about other subjects such as safety and hygiene standards.

III.1.1. The first recommendations about training: attention to specific sectors

41. The first ILO standard in the area of vocational training was No. 15, the *Vocational Education (Agriculture) Recommendation* of 1921. This short text urges each member of the International Labour Organization to “endeavour to develop vocational agricultural education and in particular to make such education available to agricultural wage-earners on the same conditions as to other persons engaged in agriculture”. It also recommends “That each Member of the International Labour Organisation send a report to the International Labour Office at regular intervals containing as full information as possible as to the administration of the laws, the sums expended, and the measures taken in order to develop vocational agricultural education”.

This recommendation was withdrawn at the 90th meeting of the General Conference of the International Labour Organization.

42. The second initiative in this area was the *Vocational Education (Building Recommendation of 1937 (No. 56)*. Prior to this, at the 12th meeting of the International Labour Conference in 1929, a recommendation concerning the prevention of accidents at work was adopted, and this dealt indirectly with vocational training since training has always been very important in guarding against the risk of work accidents in this industry.

Recommendation 56 says that “technical and vocational school curricula relating to the building industry should include theoretical and practical instruction concerning - (a) the materials used for the construction of scaffolds and the principles of erecting and maintaining scaffolds; (b) the construction and maintenance of the hoisting appliances used in the building industry; (c) the organisation and supervision of safety measures on building sites; and (d) the safety regulations for building work.”.

This instrument was repealed at the 90th meeting of the General Conference of the International Labour Organization.

III.1.2 The first statute on vocational training: definitions, the roles of the actors and the birth of a body of laws

43. *Vocational Training Recommendation (No. 57), 1939*, is more fully developed than previous versions. It starts with definitions of “vocational training”, “technical and vocational education” and “apprenticeship”, and establishes that the work of public and private institutions in the vocational training field, without compromising initiative or any appropriate response to the needs of enterprises and activities, should be coordinated in a general programme that would take account of workers’ vocational, cultural and moral interests, the needs of the workforce in enterprises and the general economic and social interest. The programmes would be coordinated and run in cooperation with “employers’ and workers’ occupational organizations”.

This recommendation stipulates that in pre-vocational preparation “particular importance should be attached to practical work, but such work should not be given precedence over the theoretical courses or courses in general education. Practical and theoretical instruction should be so arranged as to be mutually complementary. The preparation should, by aiming at the general development of the pupil’s intellectual and manual capacities and avoiding undue specializa-

tion, make it possible to determine for which of a group of occupations he is best suited to undergo full training”.

44. Note that this provision is written in a discursive style that is hardly prescriptive at all. This stands in contrast to the provisions in Recommendation 195, which are written with more legal precision.

45. In technical and vocational education there is an appeal to the “adaptability” of the workforce: “The curricula for technical and vocational schools should be so drawn up so as to protect the future vocational adaptability of the workers and for this purpose it is particularly desirable - (a) that the primary object of the courses in the earlier years should be to give the pupil a sound basis of theoretical and practical knowledge, avoiding excessive or premature specialization; and (b) that care should be taken to enable the pupil to acquire a wide grasp of the theoretical principles underlying the practice of his occupation”.

On the subject of “vocational training before and during employment”, the recommendation establishes that all workers should have “opportunities for extending their technical and trade knowledge by attending part-time supplementary courses”, and these “should be provided for all workers, whether or not they had received vocational training before entering employment”, and “The time spent in attending supplementary courses by apprentices and other young workers who are under an obligation to attend such courses should be included in normal working hours”.

As regards participation, the recommendation says that “Close collaboration should be maintained between technical and vocational schools and the industries or other branches of activity concerned, particularly by the inclusion of employers and workers in the governing bodies of the schools or in advisory bodies to the schools”.

There are also provisions about what today we would call the role of authorities, communities and training schools; provisions about information for the interested parties; a chapter about the certification of knowledge; provisions about equality and non-discrimination on the grounds of sex; and provisions about teaching staff and the requirements for their qualifications and training, and also the need for an adequate nexus with enterprises for teachers doing practical courses.

46. At the same 1939 Conference an Apprenticeship Recommendation (No. 60) was adopted. In this, a contract is defined as “any system by which an em-

ployer undertakes by contract to employ a young person and to train him or have him trained systematically for a trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employer's service". There is also a list of trades for which learning is considered necessary.

47. This instrument specifies the system that the member States should follow to regulate apprenticeships. The main elements to take into account are (a) the technical and other qualifications required by the employer so he can recruit and train apprentices, (b) the conditions governing the entry of young people into apprenticeships, and (c) the reciprocal rights and obligations of the master and the apprentice.

The measures to be taken should be in line with the following principles:

- “(a) An employer taking apprentices should either himself be qualified to give adequate training or be in a position to provide such training by some other person in his service with the necessary qualifications, and the undertaking in which the training is to be given should be such as will permit of the apprentice securing a proper training in the trade to be learnt.
- (b) Young persons should not be allowed to enter into apprenticeship until they have reached a fixed age, which should not be below the age at which school attendance ceases to be compulsory.
- (c) Where the minimum standard of general education required for entry into apprenticeship is higher than that normally attained at the end of the period of compulsory school attendance, this minimum standard should be fixed with due regard to the variations in requirements of different trades.
- (d) Entry into apprenticeship should in every case be subject to a medical examination, and where the trade in view calls for special physical qualities or mental aptitudes these should be specified and tested by special tests.
- (e) Provision should be made for the registration of apprentices with appropriate bodies and, where necessary, for the control of their number.
- (f) Arrangements should be made to facilitate the transfer of an apprentice from one employer to another in cases where transfer appears necessary or desirable in order to avoid interruption of the appren-

- ticeship or to complete the training of the apprentice or for some other reason.
- (g) The duration of apprenticeship, including that of the probationary period, should be determined in advance, any prior training undergone by the apprentice in a technical or vocational school being duly taken into account.
 - (h) Provision should be made for the holding of examinations of apprentices on the expiry of the period of apprenticeship and, where necessary, in the course of apprenticeship, for determining the methods of organizing such examinations, and for the issue of certificates based on the results thereof. The qualifications required in such examinations for any given trade should be uniformly fixed, and the certificates issued as a result of such examinations should be recognized throughout the country.
 - (i) Supervision should be established over apprenticeship, particularly with a view to ensuring that the rules governing apprenticeship are observed, that the training given is satisfactory and that there is reasonable uniformity in the conditions of apprenticeship.
 - (j) Any requirements of form to be complied with by the contract of apprenticeship and the terms to be contained or implied in it should be specified, as for instance by the drawing up of a standard contract, and the procedure for the registration of contracts with the bodies referred to under (e) above should be determined.”

48. The recommendation also makes provisions about indemnities, apprentices’ paid holidays, and the cooperation of employers’ and workers’ organizations in supervising the apprenticeship.

III.1.3 Training, vocational guidance and the labour market: “advice about employment”

49. The first approach to the link between training, guidance and employment came in 1949 in the *Vocational Guidance Recommendation* (No. 87). In this, guidance is defined as “assistance given to an individual in solving problems related to occupational choice and progress with due regard for the individual’s characteristics and their relation to occupational opportunity”.

This instrument establishes that there should be guidance in educational programmes in the period of general school training. As regards adults, the recommendation sets out a series of criteria for “employment counseling”.

It says in the recommendation that “Appropriate arrangements for adults should be made within the framework of the public vocational guidance services to assist any person requiring aid in choosing an occupation or in changing his occupation”. The process of giving this help is described as *employment counseling*.

50. Insofar as national circumstances and individual circumstances allow, the methods recommended for giving advice about employment should include (a) interview with an employment counselor; (b) examination of record of work experience; (c) examination of scholastic or other records relating to education or training received; (d) medical examination; (e) appropriate tests of capacity and aptitude, and, where so desired, other psychological tests; (f) ascertainment of aptitudes by appropriate work experience and by other similar means; (g) technical trade tests, either verbal or otherwise, in all cases where such seem necessary; (h) analysis of physical capacity in relation to occupational requirements; (i) provision of information concerning employment and training opportunities relating to the qualifications, physical capacities, aptitudes, preferences and experience of the person concerned and to the needs of the employment market, and (j) follow-up, on a sampling basis, aimed at discovering whether satisfactory placement in employment, training or retraining has been achieved and at evaluating employment counseling policy and methods.

According to the recommendation, the beneficiaries of employment counseling should include persons who are in their first job, the long-term unemployed, people who have been made redundant or are at risk of redundancy, “persons unemployed or likely to be unemployed, as a result of declining industries or changes in the technique, structure or location of industry”, or persons “living in rural areas who comprise surplus manpower in the light of current or prospective employment opportunity” or who wish to take advantage of public vocational training or re-training services.

Lastly, it is interesting to note that recommendations are made for the administrative organization of these services, and for employers’ and workers’ organizations to participate.

The recommendation says:

“1) Administrative responsibility for employment counseling should be entrusted primarily to the public employment service, with due regard to the administrative responsibility assigned by public authority to educational or other agencies.

2) The offices of the public employment service should include, at each administrative stage so far as practicable, specialized employment counseling units or officers.

3) Administrative arrangements should be made to ensure, as may be necessary or desirable, co-operation by the public employment service with specialized employment counseling services maintained for special groups or persons.

Appropriate arrangements should be made, nationally and locally, to ensure that employment counseling is organized in close relation with -

- (a) all other activities of the employment service;
- (b) other vocational guidance services;
- (c) educational and training institutions;
- (d) the administration of unemployment insurance and assistance schemes;
- (e) the administration of training and retraining schemes and of other plans to promote occupational or geographical mobility of labour;
- (f) the representative organisations of employers and workers; and
- (g) public and private organisations providing rehabilitation services to disabled persons”.

III.1.4 Training in enterprises and international cooperation in the field of training

51. The *Vocational Training (Adults) Recommendation* of 1950 (No. 88) contains some interesting new features.

At the start, vocational training is defined as “any form of training for employment by means of which technical, trade or supervisory knowledge or skill can be acquired or developed, whether the training is given inside or outside an undertaking, and includes retraining”.

It can be seen that in this definition there is a reference to employment, a feature that was lacking in the previous recommendation (of 1939), which simply said that “*vocational training* means any form of training by means of which technical or trade knowledge can be acquired or developed, whether the training is given in school or in the workplace”.

Curiously, in the recommendation a distinction is made between “production workers”, “supervisors and instructors” and “disabled persons”.

52. The recommendation establishes that, when it comes to the principles for vocational training for adults, it is necessary to take into account the situation and trends in the job market and participation by employers’ and workers’ organizations. The recommendation also lists what today we would call “people with special difficulties” like ex-service people demobilized from the armed forces, war victims, persons made redundant from professions due to technological progress, the long-term unemployed, etc.

53. On the subject of training in enterprises, the recommendation says that “Employers should be encouraged to take measures, either individually or in co-operation with other employers, to provide training for adults in accordance with their employment requirements and to such an extent as the technical operating conditions of their undertakings permit”.

This training should be given (a) on the job, (b) in normal workplaces but not on the job, (c) in separate workshops, (d) in such places other than workplaces or workshops as are best suited to the needs of training, or e) by a combination of these methods, according to the type and aim of the training and the technical possibilities of the undertaking.

The recommendation also deals with the question of remuneration: “Where the theoretical instruction needed for acquiring the necessary skill in the occupation being taught cannot be provided in the undertaking, trainees should be enabled to obtain such instruction outside the undertaking without suffering loss of wages”. This means that “close co-operation should be maintained between the undertaking and the institution providing the instruction”.

Lastly, “Adult workers in training should be adequately remunerated in accordance with criteria established by law or regulation, by collective agreement or by the rules of the undertaking concerned”.

54. At the end of the recommendation there are some provisions about international cooperation in the field of vocational training for adults. Mention is made of measures such as:

(a) the provision in one country of training facilities for selected personnel from another country to enable them to acquire skill and experience not available in their own country;

- (b) the loan of experienced personnel from one country to another to help organize training;
- (c) the preparation and provision of handbooks and other materials for training;
- (d) the exchange of qualified personnel; and
- (e) the systematic exchange of information on training questions”.

55. The *Vocational Training (Agriculture) Recommendation* of 1956 (No. 101) begins with a long list of the principles that should govern vocational training for agriculture, and extends the principle of non-discrimination beyond what was laid down in previous recommendations: “The programme of vocational training in agriculture should cover the whole agricultural population without distinction as to race, religion, nationality or sex, and whatever the legal relation to the land, for example prospective and actual farmers and farm workers, including seasonal workers, farm women and workers in occupations closely related to agriculture.”.

There are also provisions about training methods, agricultural schools, primary school teaching about agriculture, training in farming, and the training of teaching personnel and managers of rural services.

56. In chapter IV of the recommendation, on the subject of what today we would call “social partners and other interested parties”, it says that “Organisations of farmers, farm workers (including trade unions), farm women and farm youth, and other interested organisations, such as co-operative societies, should play an important role in all phases of agricultural training. Every encouragement should be offered them to take an active interest in improving such training”.

Like in the other recommendation we have looked at, this recommendation has a concluding chapter about international cooperation entitled “international action”.

III.1.5 The synthesis and updating of vocational training in Recommendation 117

57. The *Vocational Training Recommendation* (No. 117) of 1962 replaces previous recommendations on this subject (numbers 57, 60 and 88) and develops earlier solutions and brings them up to date. It can be seen as a synthesis and updating of conceptions that prevailed at that time.

It contains a definition of vocational training that puts greater emphasis on a worker's personal development: "Training is not an end in itself, but a means of developing a person's occupational capacities, due account being taken of the employment opportunities, and of enabling him to use his abilities to the greatest advantage of himself and the community; it should be designed to develop personality, particularly where young persons are concerned."

It also mentions lifelong training: "Training is a process continuing throughout the working life of the individual according to his needs as an individual and as a member of the community".

Moreover, it fully asserts the principle of non-discrimination that was outlined in previous instruments: "Training should be free from any form of discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin".

58. There are a number of interesting aspects to this recommendation, such as the following:

- a) Attention to the link between training and employment: "Each country should have a network of training facilities, adjusted as regards number, location and curricula to the economic requirements and employment possibilities of the country".
- b) The role each of the partners should play: "The public authorities and the various public and private bodies in each country which deal with training should, while allowing free play to initiative and ensuring adaptability to the requirements of the different branches of economic activity, regions and localities, co-operate in developing fully coordinated training facilities".
- c) The need for research into the demand for training, and the structure and trends of the job market.
- d) That public training services should be free of charge, and that workers

should be able to receive suitable assignments, in the case of having family obligations, for example.

- e) Cooperation between teaching and training institutions on the one hand and employers' and workers' organizations on the other in designating occupations for which it is considered necessary or desirable to lay down qualification standards; in setting these standards and establishing suitable training programmes; and in organizing suitable examinations and determining the nature and the degree of qualifications to be available.
- f) Vocational guidance and selection measures.
- g) The need for training programmes and subjects structured in such a way that the trainees will be able to make smooth vocational adjustments in the future, within the ambit of the occupation in question.
- h) Training in enterprises: "All those concerned with training and particularly public authorities, educational bodies and employers' and workers' organizations should take every opportunity of mutual assistance and consultation in planning, developing and operating training schemes, and in dealing with training questions generally".
- i) The introduction of standards about learning, understood as "Systematic long-term training for a recognized occupation taking place substantially within an undertaking or under an independent craftsman should be governed by a written contract of apprenticeship and be subject to established standards". Among the provisions of the recommendation there is a long list of contents as to what should be included in a learning contract.
- j) Notes about "accelerated training".
- k) Some specifications about the training of supervisors, middle managers and teaching personnel.
- l) References to the needs of developing countries and to international cooperation.

The grouping together of the contents of vocational training in a single instrument, Recommendation 117, paved the way to tackle the task of constructing a standards system with wider scope, that is to say an international convention. In Recommendation 150 modifications were made to some of the subjects dealt with and others were treated in greater depth.

III.2 Facilities for vocational training: the Paid Education Leave Convention (No. 140), 1974

59. Before the Conference tackled the general question of vocational training and *human resources development* (as it was called in Convention 142, thus coining new terminology for the subject), it adopted a convention aimed at facilitating training for workers by the technique of awarding paid leave for education.

Convention 140 (33 ratifications as of July 2004) prescribes that “Each member shall formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave”, which is defined as “leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements” (article 1).

The Convention has some notable features:

- a) A wide range of aims are seen as the objectives of training: vocational training, general education, social or civic education, union education (article 2).
- b) Lifelong learning is recognized as an objective which facilitates the adaptability of workers “to contemporary requirements” (article 3d).
- c) There is great diversity in the ways that paid education leave can be put into practice, including legislation, collective agreements, arbitration awards “and such other means as may be consistent with national practice” (article 5).

III.3 The Human Resources Development Convention, 1975 (No. 142) and the complementary Recommendation (No. 150)

60. Fifty-four years after the first recommendation about vocational training, the International Labour Conference produced a convention on this subject, and this was complemented with a recommendation which had wider scope than Recommendation 117, which was the previous version.

The Convention concerning Vocational Guidance and Vocational Training in the Development of Human Resources consists of thirteen articles, but only five have to do with the central area of standards.

61. The legal form of a *convention* was adopted at the instigation of worker and Government members, who maintained that it should be short and should be complemented by a recommendation that contained more detail. An employer member, on the other hand, expressed concern about the efficacy of such an instrument.⁵¹

The convention itself is brief. The preamble is “purely formal”, and the reason for this is that agreement could not be reached on an amendment by the workers to include mention of instruments like the Universal Declaration of Human Rights, and references to the importance of creating the conditions needed to bring about and maintain full employment and economic and social progress, protection against unemployment, etc.

62. The first article deals with the obligations of the member States: “Each Member shall adopt and develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services”. These policies will have to take account of employment needs and the relation between human resources development and other economic, social and cultural objectives, a link that would much later be insisted on in the debate about Recommendation 195.

The proposal is to implement open and flexible systems in teaching and guidance not only in the official education system but also outside it, and also to expand existing training and guidance systems. These policies will have to be implemented in accordance with the principles of non-discrimination and of participation on the part of employers’ and workers’ organizations and other interested parties.

63. In the Human Resources Committee report at the plenary session of the 1975 Conference, the Vice-President of the Committee stressed that “what is especially important for the workers’ group is the provision which figures in the proposed convention by which vocational guidance and training policies and programmes should be set up and established in cooperation with employers’ and workers’ organizations [...] since it is probably in this sphere of public administration that cooperation is most needed”. He added that “vocational guidance and vocational training cannot function if the forces in the labour market, that is to say employers’ and workers’ organizations, are not used”.⁵²

| 51 Provisional Record of the 60th meeting of the International Labour Conference, pp. 545-546.

64. Recommendation 150 concerning human resources development is an extensive instrument designed to support what is laid down in Convention 142, but it also goes further and deals with some aspects not covered in the convention.

Unlike in the convention, the preamble to the recommendation refers to other international standards that have to do with education, training and employment since it mentions that the Conference took note of the provisions of the international labour conventions and recommendations directly related to employment policy, particularly those in the convention and the recommendation concerning discrimination in employment and occupations (1958), the convention and the recommendation concerning employment policy, 1964; and the recommendation concerning technical and vocational teaching that was adopted at the 18th meeting of the United Nations General Conference for Education, Science and Culture in 1974.

As to definitions, in the recommendation it is stated that “For the purpose of this Recommendation, the qualification of the terms *guidance* and *training* by the term *vocational* means that guidance and training are directed to identifying and developing human capabilities for a productive and satisfying working life and, in conjunction with the different forms of education, to improve the ability of the individual to understand and, individually or collectively, to influence working conditions and the social environment”.

65. It is stated in this instrument that guidance and training policies and programmes ought to be closely linked to employment in general and to public employment services in particular. On this point it is laid down that employers have a responsibility: “Such policies and programmes should also encourage undertakings to accept responsibility for training workers in their employment. Undertakings should co-operate with the representatives of their workers when planning their training programmes and should ensure, as far as possible, that these programmes are in line with those of the public training system”.

The outstanding objectives of these policies and programmes are to ensure that persons can accede to productive employment, including self-employment, which corresponds to their personal aptitudes and aspirations, and to facilitate occupational mobility; to promote and develop creativity, dynamism and initia-

tive with a view to maintaining or increasing work effectiveness; to protect persons against unemployment or other loss of income or earning capacity deriving from lack of demand for their skills as well as against underemployment; to protect persons against excessive physical or mental strain in employment; to protect persons against occupational hazards by making high standards of teaching occupational safety and health an integral part of training for each trade or occupation; to assist persons in their quest for satisfaction at work, for individual achievement and self-expression, and for the betterment of their lot in life through their own efforts to improve the quality or modify the nature of their contribution to the economy; to achieve social, cultural and economic advancement and continuing adjustment to change, with the participation of all concerned in reshaping the work requirements; and to achieve the full participation of all groups in society in the process of development and in sharing the benefits deriving from it.

Besides this, the policies and programmes should be coordinated with the policy outlines of broad social and economic development programmes like those for promoting employment, social integration, rural development, the development of crafts and industry, the adaptation of the methods and organization of work to human needs, and the improvement of working conditions.

66. The recommendation makes it clear that all children, young persons and adults receiving vocational guidance should be furnished with “information on general aspects of collective agreements and of the rights and obligations of all concerned under labour law; this information should be provided in accordance with national law and practice, taking into account the respective functions and tasks of the workers’ and employers’ organisations concerned”.

67. In the chapter on vocational training the instrument deals with training in enterprises, and in this it partly uses a synthesis of solutions from other recommendations and partly breaks new ground. In clause 22 it says that “Under-takings should, in consultation with workers’ representatives, with the persons concerned and with those in charge of their work, establish and review at regular intervals further-training plans for persons in their employment at all levels of skill and responsibility; a joint committee may be established for the purpose”.

The plans should: a) offer opportunities for training to be able to accede to higher levels to vocational qualification and responsibility; b) include training that is technical and of other types, and also vocational experience for the train-

ees; and c) take account of the trainees' aptitudes and preferences as well as the demands of the job. As regards the rights of workers who receive training in enterprises, it says in clause 23 that trainees should: a) receive an adequate allowance or remuneration; b) be covered by the same social security provisions as the permanent workforce of the enterprise in question, and if receiving training off the job they should be granted study leave in line with the provisions of the convention and the Recommendation concerning paid education leave, 1974.

68. One example of how the recommendation contains a wealth of detail is the list of standards for initial training and improvement through the acquisition of vocational qualifications (clause 24). There are criteria for the guidance and training of specific groups of people with specific problems such as those dealt with in chapter VI "Programmes for Particular Areas or Branches of Economic Activity" (rural areas, branches of economic activity that use outdated techniques and methods of work, industries and enterprises in decay or undergoing conversion, and new industries); chapter VII, "Particular Groups of the Population" (persons who have never attended school or who have dropped out prematurely, elderly workers, linguistic and other kinds of minorities, and the physically or mentally disabled); chapter VIII, "Promotion of Equality of Opportunity of Women and Men in Training and Employment"; and IX, "Migrant Workers".

Besides this, there is extensive treatment of the training of personnel specialized in vocational guidance and training (chapter XI), and there are also special standards for training management and supervisory staff and for the self-employed (chapter V).

The instrument concludes with chapters about research work (number XII), administration, representative bodies and international cooperation.

69. In an address to the plenary session of the Conference, the Worker Vice-Chairperson stressed that in the new recommendation "both vocational guidance and vocational training are ongoing processes that have to respond to changes in the methods of production and in production itself, to the changing needs of the consumer and to technical evolution, which demands the creation of new professions and the acquisition of new vocational knowledge, and also makes redundant skills that are already possessed".⁵³

| 53 Provisional Record cited, p. 769.

He went on to say that “it should be noted in particular that in this instrument there is recognition of the principle that the goal of vocational training also demands the concession of paid education leave. This principle was to be included in the convention, but it was withdrawn so as to deny any government the possibility of using the education leave stipulation as a pretext for not ratifying the convention”. He went on to express dissatisfaction with the provision in the recommendation whereby the managers of enterprises should receive training, and commented that “it cannot be denied that there is a certain tendency in society to consider the role of workers as less important than that of the managers of enterprises”.⁵⁴

70. On the other hand, addressing the same plenary session, the Employer Vice-Chairperson stressed the connection between training and employment, and said that “we cannot talk of economic and social development today without linking it to employment, and we cannot talk of productive employment if this is not based on good vocational guidance and on suitable vocational training”.⁵⁵

54 Provisional Record cited, p. 770.

55 Provisional Record cited, p. 768.

IV. Reasons to replace the Recommendation concerning Human Resources Development

71. It is clear from what was said in chapter II, and in line with the findings of the Governing Body's committees and working parties of 1979 and 1987, that the Human Resources Development Recommendation (No. 150) of 1975 was classed as an instrument that ought to be promoted.

However, as we have also noted, at the start of the 1990s it began to emerge that the solutions in the recommendation were out of date and ought to be replaced.

The process of replacing the recommendation received a decisive boost in 1998 with a proposal to hold a general discussion on the subject of "Human resources development and training: vocational guidance and training" at the 88th meeting of the International Labour Conference in 2000, with a view to the possible creation of a new instrument.

72. A Governing Body document recognizes that "Globalization provides new opportunities and poses risks for workers, enterprises and the economy as a whole. To seize the opportunities and to alleviate the risks, a policy response is required that includes human resources training and development as one of its key components".⁵⁶

In recent years, changes in the way production takes place have become much more dynamic due to the competitiveness unleashed by the opening and integration of markets. Technological innovation has also wrought far-reaching changes in systems of production, making them much more flexible, and there are new models of how work is organized.

As well as these changes, it is also clear that a new way for the State to

| 56 GB.271/4/1.

function is taking shape. The Governing Body document says that “As the State retreats from its former role as a major financier and purveyor of training programmes, the challenge is to forge a new partnership between the State, the enterprise sector, trade unions and other stakeholders in training.”⁵⁷

73. Another interesting development has to do with the changes that these macro-social and macro-economic developments are causing in vocational training.

It is noted that “Countries are also moving towards a system of *continuous training* while exploiting the opportunities offered by the *training market*. Continuous training is seen as a major instrument to help workers adapt to new skill requirements and enterprises to become more competitive in increasingly integrated world markets. Today, both individuals and enterprises consider training to be an *investment in human resources*”.⁵⁸

74. These brief observations about some of the biggest changes in the role of governments and social partners, and in the very modalities of training, are part of a more global perception that Recommendation 150 lacks relevance when it comes to dealing with the rapid changes that are taking place today and providing criteria and solutions for vocational guidance and training policies.

In fact it began to seem that Recommendation 150 was a response to a world that no longer existed, a world of State-dominated planning, a world of predictable markets and mass production.

The Governing Body’s observations on this matter were rather lengthy, but they provided a good explanation of why the recommendation had to be revised, and so they were widely used in different documents that dealt with this subject: “Recommendation No. 150 reflects the planning paradigm of that period, while giving little room for demand and labour market considerations; it provides little or no guidance on many issues that, nowadays, are central to training policy and system reforms being undertaken by member States at present. These issues comprise, for example, the policy, governance and regulatory framework of training; the respective role of other stakeholders than the State, e.g. the private sector, the social partners and civil society, in policy formulation and training delivery; the scope and mechanisms for diversifying and tapping alter-

57 GB.271/4/1, para. 21.

58 Ibid, para. 22.

native sources of financing training; devising appropriate mechanisms and methods to target training programmes at particular groups; the shift away from training for “qualifications” towards the development and recognition of “competencies” that comprise a wide range of work-related knowledge, technical and behavioural skills, and attitudes; and the increasing need to focus skill development activities on preparing workers for self-employment and the informal sector ”.⁵⁹

75. To deal with this situation, a series of “*Conclusions about training and the development of human resources*” were adopted at the 88th meeting (2000) of the General Conference of the International Labour Organization, based on the document “Training for employment: Social inclusion, productivity and youth employment”.

The final section the document indicates that the instructions for revising Recommendation 150 (1975) concerning the development of human resources should be based on these conclusions and should:

1. Attend to training and education needs in the modern world of work, in both developing and developed countries, and promote social equity in the world economy.
2. Foster the concept of decent work by giving a definition of the mission of education and training.
3. Promote lifelong learning, improve the employability of the workers of the world, and respond to economic challenges.
4. Recognize the different responsibilities in the area of investment in education and training and how they are financed.
5. Promote national, regional and international standards frameworks that include provisions about prior training.
6. Improve opportunities for access to education, training, and to equity for all workers.
7. Strengthen the capacity of social partners to establish associations in the area of education and training.
8. Attend to the need to increase technical and financial aid to the most disadvantaged countries and societies.

| 59 Idem, para. 31.

76. Progress was made at the 280th meeting of the Governing Body (March 2001), in which it was decided to include a point about human resources development on the agenda of the 91st International Labour Conference (2003). This would be a first discussion, a first step on the path towards adopting a revised standard in 2004.

To pave the way for this, a report entitled “Learning and training for work in the knowledge society” was circulated in 2002-2003. This was presented as a review “of the recent legislation, policies and practices which reflect the new way of focusing learning and training”. It is put forward as a source of ideas for countries when they came to consider their answers to the questionnaire which was attached to the report, along with other information annexes. According to the report, “the questionnaire asks governments and employers’ and workers’ organizations whether the International Labour Conference should adopt a new recommendation on human resources training and development. It also asks questions regarding its content”.

77. The questionnaire provided in article 39.1 of the Conference regulations was the starting point of the double discussion process. The replies that the member States made to the questionnaire, which had to involve consultation with employers’ and workers’ organizations, were used as the basis for drawing up a new report that set out the main questions that the Conference ought to consider, and this had to be presented at least four months before the Conference meeting opened.

In a way, the questionnaire itself was already a recommendation project.

78. Before going into an analysis of the provisions of Recommendation 195, we should first look at the questionnaire. It is clear at once that the general structure, the ordering and many of the solutions contained in the final version of the recommendation already figured in the questionnaire, so it constitutes valuable background material to Recommendation 195.

In chapter II of the questionnaire, which deals with the preamble, governments are asked if the recommendation should include references to instruments like the Human Resources Development Convention (1975), the Conclusions about Training and Human Resources Development adopted at the 88th meeting of the International Labour Conference, the Tripartite Declaration of Principles about Multinational Enterprises and Social Policy, and the ILO Declaration on Fundamental Principles and Rights at Work.

It can be seen that this content was retained in the first and second discussions, and standards concerning employment and paid education leave were added.

Chapter III deals with “Objective, scope and definitions”, and this title was retained in the final version. Part of the content of this section has its origin in various items in the questionnaire (attention to economic and social objectives, the right to education and training, etc.).

Chapter IV of the questionnaire has to do with the “Implementation of training policies”, and this was developed to yield the final version, “Development and implementation of education and training policies”.

Chapter V, “Basic education and pre-employment training” is practically identical to the final version of chapter III, from which the term “basic” was omitted. Chapter VI, on the “Training of salaried workers”, laid the foundations for the content of the chapter entitled “Development of competencies”.

In the case of “Training for decent work and social inclusion” the title remained unchanged. This is chapter VIII of the questionnaire and chapter V of the recommendation, and this change in the order was made at the behest of the employers, as we shall see.

On the subject of certification, the questionnaire refers to the “Framework for the recognition and confirmation of qualifications”, while in the recommendation the wording is “Framework for the recognition and certification of skills”. This modification was made because the new wording is more pertinent from the technical point of view.

The chapter in the questionnaire about “Providers of training services” was changed, only in the very last discussion, to “Training providers”, and the part about “Research in matters of human resources development and training” came to be called “Research in human resources development, education, training and lifelong learning”.

Lastly, the questions about “Services to support human resources development, lifelong learning and training” were re-ordered as a chapter called “Career guidance and training support services”, and the title of the chapter in the questionnaire about “Technical cooperation” was expanded to include the term “international”.

V. Study of each individual provision in Recommendation 195

79. In this section we will examine the provisions of Recommendation 195, and for each item we will look at the background, the positions maintained by governments and by workers' and employers' groups during the discussions, some alternatives to the solutions actually reached, and the proposals on which agreement was not reached.

In no way is this a trivial exercise. This study constitutes an instrument that yields a vivid understanding of and insight into the sense and the scope of the points dealt with in Recommendation 195.

PREAMBLE

Recognizing that education, training and lifelong learning contribute significantly to promoting the interests of individuals, enterprises, the economy and society as a whole, especially considering the critical challenge of attaining full employment, poverty eradication, social inclusion and sustained economic growth in the global economy;

80. This text was put forward by the workers' group and adopted in the first discussion, at the 91st meeting of the International Labour Conference. In the justification, we read that "It was important to bear in mind the contributions that these forms of HRD (Human Resources Development) could make to promoting the interests of people, enterprises, the economy and society, especially considering the critical challenge to attain full employment, social inclusion, competitiveness and sustained economic growth. The Employer Vice-Chairperson supported the amendment since it addressed economic and social values."⁶⁰

The mention of "poverty eradication" was included after an amendment

| 60 Provisional Records, 91st meeting, Geneva, 2003, 19 (part I), No. 51.

put forward in the second discussion (at the 92nd meeting of the International Labour Conference) by the government members from some African countries.

Calling on governments, employers and workers to renew their commitment to life-long learning: governments by investing and creating the conditions to enhance education and training at all levels; enterprises by training their employees; and individuals by making use of the education, training and lifelong learning opportunities;

81. Here the text from the first discussion was replicated with only a small change, which was “enterprises” in place of “the private sector”. This followed an amendment proposed by the employers, who wished to “stress that each party had defined responsibilities in the realization of human resources development policies”.⁶¹ In the same discussion the amendment was modified by the workers’ group because originally it said that people were urged to develop “their abilities and careers by their own means”.

The members from some African governments added the phrase “creating the conditions” which was not in the original text, and the government members from Trinidad and Tobago, Barbados and Jamaica sought to include a reference to non-governmental organizations and community organizations, but this was not supported by the workers’ or employers’ groups.

Recognizing that education, training and lifelong learning are fundamental and should form an integral part of, and be consistent with, comprehensive economic, fiscal, social and labour market policies and programmes that are important for sustainable economic growth and employment creation and social development;

82. This was the result of a workers’ initiative in the first discussion. The idea was to forge a link and integrate training and education into the main body of economic, social and labour market policies.⁶² The employers proposed an unsuccessful amendment to include the term “coherent” or “consequent” as the nexus between the two groups of policies.

Recognizing that many developing countries need support in the design, funding and implementation of appropriate education and training policies to attain human development, economic and employment growth, and poverty eradication;

61 Provisional Record (2003), No. 53.

62 Provisional Record (2003), No. 57.

83. In the second discussion there was debate about replacing the term “modern”, which featured in the original text, by “contemporary” (proposed by Barbados, Jamaica and Trinidad and Tobago), or “appropriate” (proposed by the Mercosur countries and Africa), and the latter was adopted in the definitive version. However, an employer member noted that “it was important to ensure that education and development should keep up with developments, so he would have preferred to retain the word “modern” in the final text”.⁶³

The terms “poverty eradication” and “employment” were included at the instigation of the African countries.

Recognizing that education, training and lifelong learning are contributing factors to personal development, access to culture and active citizenship;

84. The reference to the concept of “active citizenship” figures in the text because of an amendment put forward by the Worker Vice-Chairperson. She argued that “this was a critical objective of education and training, broadening the understanding of lifelong learning beyond economic concerns to include social concerns and concerns of human development”.⁶⁴ Initially the employers did not support the amendment because it seemed “rather unclear”, but it was carried through thanks to the government representatives from France, South Africa and Brazil (representing the Mercosur).

Recalling that the realization of decent work for workers everywhere is a primary objective of the International Labour Organization, and noting the rights and principles embodied in the relevant instruments of the International Labour Organization, and in particular:

(a) the Human Resources Development Convention, 1975; the Employment Policy Convention and Recommendation, 1964; the Employment Policy (Supplementary Provisions) Recommendation, 1984; and the Paid Educational Leave Convention and Recommendation, 1974;

(b) the ILO Declaration on Fundamental Principles and Rights at Work;

(c) the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

(d) the conclusions concerning human resources training and development, adopted at the 88th Session (2000) of the International Labour Conference.

⁶³ Provisional Record, 92nd meeting, Geneva, 2004, 20 (2004) No. 123.

⁶⁴ Provisional Record (2004), No. 144.

85. In the questionnaire that the ILO sent to the member States, “Learning and training for work in the knowledge society”, (Report VI-1) 2002, the question was raised as to whether to include in the preamble instruments such as the Human Resources Development Convention, 1975, the Conclusions concerning Human Resources Training and Development adopted at the 88th session of the International Labour Conference, the Tripartite Declaration of Principles concerning Multinational Enterprises (MNEs) and Social Policy, and the ILO Declaration on Fundamental Principles and Rights at Work.

The debate about these different cases was polarized between the workers, whose position was that references to instruments about basic labour rights should be included, and the employers, who were against having an over-long preamble and wished to limit references just to those instruments that were relevant to the subject matter of the new recommendation.

In the first discussion the employers proposed leaving out the reference to the Tripartite Declaration about multinational enterprises as “it did not relate to human resources development”,⁶⁵ but the workers wanted to retain it “as it dealt with an important subject related to training and lifelong learning, namely the role played by the Multinational Enterprises in terms of technical transfers and human resources development”.⁶⁶ They added that there were “many paragraphs on training within the Declaration”.

The government members from Argentina, France, Greece, Jamaica, Japan, Mali, South Africa, Suriname, Thailand, Trinidad and Tobago and the United Kingdom were in favour of retaining the reference.

There was a similar debate about an employers’ proposal to delete the reference to the ILO Declaration on Fundamental Principles and Rights at Work.

The worker’s response was a proposal to include a reference to the 1944 Declaration of Philadelphia, but this did not receive sufficient support.⁶⁷ When the workers’ members realized they would not be able to get a majority they withdrew their amendment about instruments like the Discrimination (employment and occupation) Convention of 1958 (No. 111); the Vocational Rehabilitation and Employment (Disabled Persons) Convention of 1983 (No. 159); the Employment Promotion and Protection against Unemployment Convention of 1988 (No. 168); and the Employment Services Convention of 1948 (No. 88).

65 Provisional Record (2003), No. 75.

66 Provisional Record (2003), No. 77.

67 Provisional Record (2003), Nos. 84 to 86.

The employers' group presented a sub-amendment to delete mention of the Paid Education Leave Convention of 1974 (No. 140), and this was supported by the governments of Australia, Canada, Denmark, Turkey and the United States.⁶⁸ The workers' group and the government members from France, Mali and South Africa opposed this change on the grounds that this standard "was at the heart of the discussion".⁶⁹

Having decided upon the adoption of certain proposals with regard to human resources development and training, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation; adopts this seventeenth day of June of the year two thousand and four the following Recommendation, which may be cited as the Human Resources Development Recommendation, 2004.

I. OBJECTIVE, SCOPE AND DEFINITIONS

1. Members should, based on social dialogue, formulate, apply and review national human resources development, education, training and lifelong learning policies which are consistent with economic, fiscal and social policies.

86. This is based on the original text in the ILO questionnaire (Report IV-1), and it was modified in the first discussion.

The phrase "based on social dialogue" was included after the second discussion, at the initiative of the employers. There are also other changes, such as the whole reference to "human resources development, education, training and lifelong learning", which is a reworking of the paragraph as it appeared in the first discussion, and which introduces the terms that appear in the final version of the recommendation.

This was included following an amendment put forward by the governments of Finland, France, the Netherlands, Portugal and Spain.⁷⁰

2. For the purpose of this Recommendation:

*(a) the term **lifelong learning** encompasses all learning activities undertaken throughout life for the development of competencies and qualifications;*

*(b) the term **competencies** covers the knowledge, skills and know-how applied and mastered in a specific context;*

68 Provisional Record (2003), No. 95.

69 Provisional Record (2003), No. 96.

70 Provisional Record (2004), No. 189.

(c) the term **qualifications** means a formal expression of the vocational or professional abilities of a worker which is recognized at international, national or sectoral levels;

(d) the term **employability** relates to portable competencies and qualifications that enhance an individual's capacity to make use of the education and training opportunities available in order to secure and retain decent work, to progress within the enterprise and between jobs, and to cope with changing technology and labour market conditions.

87. The government members from many African countries⁷¹ proposed an amendment to define the concept of “entrepreneurship development” as “support for individuals entering the job market, wishing to re-enter it, self-employed workers, the development of small enterprises, and also support for entrepreneurs in the informal economy to be able to enter the formal economy. In the social ambit it also covers entrepreneurs able to identify and exploit opportunities for providing social services”.

The employers and workers opposed this because they felt that it was inappropriate to include the concept of the development of entrepreneurial capacity at this point, and the amendment was not accepted.

Nor was there agreement about the definition of the term “training”. According to a proposal by the government members from Barbados, Jamaica and Trinidad and Tobago, “The term “training” included the transmission to current and future workers of the attitudes, professional aptitudes and knowledge necessary to efficaciously execute their occupation”.

The general opinion was that the definition was too limiting, and this was said by workers' members and the government members for France, India and Thailand. The Employer Vice-Chairperson thought “that if a definition prompted so much discussion it should not be employed”.⁷²

3. Members should identify human resources development, education, training and lifelong learning policies which:

(a) facilitate lifelong learning and employability as part of a range of policy measures designed to create decent jobs, as well as to achieve sustainable economic and social development;

71 Provisional Record (2004), No. 209. This involved countries like Botswana, Burkina Faso, Cameroon, Ivory Coast, Gabon, Kenya, Malawi, Mozambique, Namibia, Nigeria, Senegal, South Africa, Swaziland, The United Republic of Tanzania, and Zimbabwe.

72 Provisional Record (2004), No. 232.

88. The government members from the African countries presented, and then withdrew for lack of support, an amendment that read, “promoting active citizenship, employability and entrepreneurial ability, that contribute to attaining employment and full human development goals”. It was noted, however, that the question was not fully covered by the amendments that had already been adopted.⁷³

There followed an interesting debate about the concept of decent jobs.

An amendment was put forward by many government members⁷⁴ proposing that the wording “quality and safe jobs” that came from the first discussion should be replaced by “decent jobs”, which in fact appears in the final version. The employers wanted to add the term “productive” to “employment” but this failed. The government member for Namibia, for example, pointed out that “the concept of decent work implied productive work”.⁷⁵ The government members from Argentina and Switzerland agreed, and the latter, supported by France and South Korea, observed that “the notion of productivity was inherent in the concept of decent work”.

An informal vote was taken and this showed that the employers were in a minority position on this point, but before withdrawing the amendment the Employer Vice-Chairperson commented that “social and economic issues were treated together in a number of instances in the proposed text.” He also noted that “lifelong learning, education and training support productivity in jobs. It was extremely important that if the Committee wished to draw attention to decent work, it should also draw attention to productivity”.⁷⁶

(b) give equal consideration to economic and social objectives, emphasize sustainable economic development in the context of the globalizing economy and the knowledge- and skills-based society, as well as the development of competencies, promotion of decent work, job retention, social development, social inclusion and poverty reduction;

89. This is, with only a few modifications, what is said in the report entitled “Learning and training for work in the knowledge society” (Report IV-1). Among the member States, 86 out of 88 gave affirmative replies and there were no negative replies.

73 Provisional Record (2004), No. 265.

74 Government representatives from Australia, Belgium, Canada, Ireland, Japan, Malta, the Netherlands, New Zealand, Norway, Switzerland, Turkey, the United Kingdom and the United States.

75 Provisional Record (2004), N. 272.

76 Provisional Record (2004), No. 277.

In the second discussion, the workers' group unsuccessfully tried to have the term "active citizenship" included after "social development".

(c) stress the importance of innovation, competitiveness, productivity, growth of the economy, the creation of decent jobs and the employability of people, considering that innovation creates new employment opportunities and also requires new approaches to education and training to meet the demand for new skills;

90. A group of government members including those from the United States, the United Kingdom, Australia, Slovakia, Switzerland and Turkey proposed an amendment to delete the phrase "the creation of decent jobs and the employability of people", and the African countries tried to have the words "and entrepreneurial spirit" inserted after "employability", but neither initiative received sufficient support.

(d) address the challenge of transforming activities in the informal economy into decent work fully integrated into mainstream economic life; policies and programmes should be developed with the aim of creating decent jobs and opportunities for education and training, as well as validating prior learning and skills gained to assist workers and employers to move into the formal economy;

91. A group of government members including those from Austria, the United States, Canada, the Netherlands, the United Kingdom, Turkey and Japan tabled an amendment aimed at "rationalizing" the text which emerged from the first discussion. The proposed text read "address the challenge of transforming activities in the informal economy into decent work fully integrated into mainstream economic life, and of validating prior learning to assist workers and employers to move into the formal economy".

The Worker Vice-Chairperson proposed that after "economic life" the phrase "by creating opportunities for education and training" should be inserted. She argued that if the text was approved without this it "would only refer to transforming activities in the informal economy into the formal economy by validating prior learning which (in her opinion) was insufficient. She stressed that it also required opportunities for education and training".⁷⁷

(e) promote and sustain public and private investment in the infrastructure needed for the use of information and communication technology in education and training, as

| 77 Provisional Record (2004), Nos.303 and 306.

well as in the training of teachers and trainers, using local, national and international collaborative networks;

92. The government member for Brazil, on behalf of the government members for the Mercosur countries, proposed an amendment to this text in the second discussion because, as he expressed it, “in addition to public and private investment in ICT infrastructure, it was important to invest in education methodologies and in trainers. Even if ICT was in place, there was no guarantee that it would deliver appropriate training methodologies.”⁷⁸

He proposed that after the word “private”, the phrase “to guarantee social effectiveness, pedagogic quality and the training of educators for the education and training programmes in particular” should be added. However, these additions were not supported by the other sectors.

(f) reduce inequality in the participation in education and training.

92. A large number of European government members proposed eliminating the words “of adults” that appeared after “participation” in the original. This change was adopted, and the final wording gives greater scope to the sense of this clause.⁷⁹

4. Members should:

(a) recognize that education and training are a right for all and, in cooperation with the social partners, work towards ensuring access for all to lifelong learning;

93. In the initial ILO questionnaire, the member States were asked whether the proposed instrument should urge governments to “recognize the right of everyone to education and training, and in collaboration with the social partners, guarantee universal access to them”. The response was overwhelmingly positive, with 87 out of 92 States in favour and none against.⁸⁰

78 Provisional Record (2004), No. 319.

79 Provisional Record (2004), Nos. 327 to 331.

80 Some governments still had their doubts. The member for the United Kingdom observed that “The categorization of (vocational) education and training as an absolute right for all could lead to inflexibility and people being channelled into inappropriate training simply to fulfil an ill-defined obligation. The instrument should be ordered in terms of the outcomes sought, and should recognize that people have different educational needs at different times in their lives, i.e. “ensure that all people have access to an agreed minimum level of education and training according to their needs”. See “Learning and training for work in the knowledge society”, Report IV-2 (2003), p. 32.

In a union document⁸¹ it was argued in the first chapter “Objective, scope and definitions” that “it should begin with a clear reference that recognizes the right to vocational training as a fundamental human right. The mention of this right only appears in article 5 of the proposed instrument”. It goes on to say that article 8 of the Resolution concerning Human Resources Development that was adopted at the 88th session (Geneva 2000) of the International Labour Conference, stipulates that “Education and training are a right for all. Governments, in cooperation with the social partners, should ensure that this right is universally accessible.”

This initiative was not favourably received by the other sectors.

In the first discussion, the employers tabled an amendment to make a qualitative difference between the right to education on the one hand and the right to training on the other. Initial education would be “a right for all” while the reference to training should include the phrase “removing barriers in accessing training and lifelong learning”.⁸²

The workers’ members argued that the right to vocational training should figure at the beginning of the instrument since it ought to be the starting point for the whole recommendation. They also proposed that the term “lifelong learning” should be included, and wanted the term “broad access” replaced by “access for all”.

The government member for the Philippines proposed that the phrase “to guarantee access for all to lifelong learning” should be included after “social partners”. This was supported by the Israeli and Belgian governments.

The government members for Cameroon, Ecuador, Finland, France, Greece, Indonesia, Malawi, Mali, Namibia, Papua New Guinea, Portugal, Thailand, the United Republic of Tanzania, and Trinidad and Tobago supported the amendment put forward by the Philippines. The arguments presented included the notion that “continuing training was required in the modern world, and many developing countries and regional groups, such as the European Union, had policies of lifelong learning.”⁸³

The Employer Vice-Chairperson “placed on record the strong objection of

81 This is the “Union document analyzing the conclusions proposed for the revision of Recommendation 150 concerning human resources development”; issued by the Mercosur union confederations and presented at a meeting that enjoyed technical support from Cinterfor/ILO.

82 Provisional Record (2003), No. 172.

83 Provisional Record (2003), No. 185.

the employers' group to the subamendment proposed by the government member of the Philippines, and expected the discussion to be resumed at the second discussion of the proposed instrument".⁸⁴

The text approved in the first discussion is almost the same (with a slight change to the ordering of the phrase) as that in the definitive text that emerged from the second discussion: "The members should ... recognize the right of all to education and training, and in cooperation with the social partners work towards ensuring access for all to lifelong learning".

94. Prior to the second discussion, some significant comments were made about the questionnaire that was sent to the member States and workers' and employers' organizations. One observation from the United States was that that country "Agrees that an individual has a right to invest in human capital and to determine the levels and types of training that are appropriate for him or for her. However, the phrase "training [is] a right" may be interpreted to mean an unconstrained legal entitlement, and for this reason it is not supported. A broad reference to training as a right may create an excessively high and perhaps unfocused demand for resources and may compete with other priorities, for example, education, for funding. A strong and explicit commitment on the part of Members to provide appropriate training opportunities for workers has been established throughout the proposed text. Consequently, removing the reference to training as a right would not weaken the instrument."⁸⁵

The government member for Australia felt that the notion that the members "should recognize the right of all to education and training" was still "unsatisfactory".⁸⁶

95. There was lively debate on this point in the first discussion and it was no less intense in the second. The African countries tabled an amendment⁸⁷ that sought to include the words "recognize that education is a right for all and work together with the social partners to extend this right to lifelong learning". The Employer Vice-Chairperson "agreed that developing countries faced a difficult situation in ensuring access to this right and that it should be viewed as an ambition and a way to guide member States".

⁸⁴ Provisional Record (2003), No. 186.

⁸⁵ Human resources development and training. Report IV (2A), p. 35.

⁸⁶ Report IV (2A) cit., p. 31.

⁸⁷ Provisional Record (2004), Nos. 332 to 336.

The workers did not support this amendment but “recognized the concerns of developing countries”, and stressed that “this clause gave recognition to the vision that all countries aspired to”.⁸⁸

Another initiative, this time from a number of governments,⁸⁹ attempted to qualify the responsibility of governments, restricting people’s rights just to “basic” education and “pre-employment” training, but this proposal was quickly withdrawn.

Yet again the debate turned to the employers’ opposition to linking the right to education to the right to training and even to lifelong learning. This subject had already been broached in Report IV (2A) of 2004, which contained observations made by governments and employers’ and workers’ organizations. In that context, some employers made it clear that “The concept of education and training as a right for all” should be understood as a responsibility of government to ensure access to free basic and pre-employment education and of social partners to agree on arrangements that offer wide access to training opportunities. The present wording is not clear on the issue of responsibilities.” They proposed “...recognize that education and training are a right for all, guaranteeing publicly financed basic and pre-employment education for all and, in cooperation with social partners, ensuring access for all to lifelong learning.”⁹⁰

Another group of employers felt that “the wording is not clear as regards the respective responsibilities of government and the social partners. Therefore, after “a right for all”, the text should be amended by adding “by guaranteeing a basic education and free employment training for all, financed by public funds, and, in cooperation with the social partners, by working towards ensuring access for all to lifelong learning”. ”⁹¹

Others understood that this was “the most relevant issue in the proposed Recommendation”, and that the problem is that the right to education and the right to training are mentioned in the same clause. “Governments are not going to be able to ensure a right to lifelong learning through universal access; therefore, a distinction should be made, stating, on the one hand, the right to educa-

88 Provisional Record (2004), cit., No. 334.

89 Australia, Canada, Germany, the Netherlands, New Zealand, Norway, Slovakia, Turkey, the United Kingdom and the United States.

90 Proposal by the Netherlands Federation of Industry and Employers. See Human resources development and training. Report IV (2A), 2004, p. 38.

91 The position of the Swiss Union of Employers. Report IV (2A), cit., p. 39.

tion and guaranteeing universal access, and, on the other, the need to promote access to training and the limitation of the barriers that make this difficult throughout life”.⁹²

The final text was not very different from the draft that emerged from the first discussion. The governments of the Mercosur countries unsuccessfully tried to replace the term “in cooperation with...” by “with the cooperation of” the social partners.⁹³

(b) recognize that the realization of lifelong learning should be based on the explicit commitment: by governments by investing and creating the conditions to enhance education and training at all levels; by enterprises in training their employees; and by individuals in developing their competencies and careers.

96. After the first discussion this paragraph figured as number two in chapter I, but following a proposal by the employers’ group it was moved back to number 4b for reasons of ordering.

It is an attempt to clarify the respective functions of the partners as regards the right to education and training.

The wording was improved in the course of the debate. The government member for South Africa proposed the phrase “creating the conditions” after the term “investing”, so the right to training would become a reality, and the government member for Papua New Guinea supported the amendment “as it was consistent with the preamble”.⁹⁴

The Mercosur countries proposed an amendment that before the term “individuals” the phrase “the unions to encourage” should be inserted, and before the word “developing” to delete “in”. This proposal did not receive support from the employers, who acknowledged “that the social partners played an important role, which was clear from the current wording”. Nor was it welcomed by the workers. The Worker Vice-Chairperson expressed “appreciation for the comments of the Government member of Brazil on the important role of trade unions and employers’ organizations in training. She felt, however, that the amendment did not clarify the paragraph”.⁹⁵

92 Observation by the Spanish Confederation of Employers’ Organizations (CEOE) on the conclusions proposed at the first discussion. Report IV (2A), p. 34.

93 A position that had already been taken by the Brazilian government, see Report IV (2A), p. 32.

94 Provisional Record (2004), paras. 339 to 348.

95 Provisional Record (2004), paras. 359 and 360.

97. What is really significant on this point is that there is obstinate and not always explicit resistance to using the word “unions” to designate workers’ representative bodies, and throughout the whole instrument the term “social partners” is employed instead.

II. DEVELOPMENT AND IMPLEMENTATION OF EDUCATION AND TRAINING POLICIES

5. Members should:

(a) define, with the involvement of the social partners, a national strategy for education and training, as well as establish a guiding framework for training policies at national, regional, local, and sectoral and enterprise levels;

98. Chapter II now includes the whole of this fifth clause, which was previously in chapter I. This change in ordering followed a proposal by the employers’ group, and it was justified on the grounds that the “subsequent clauses concerned a strategy for the implementation of education and training policies”.⁹⁶

Only clause 4a (previously 5a), which has to do with acknowledging the right to education and training, remains in chapter I.

The final version is a composite of what were previously clauses 5b and 5c, and it deals with creating a national education strategy and a guiding framework for training policies on the different levels.

The African countries made an attempt to have the term “guiding framework” deleted, and this gave rise to discussion that continued throughout the whole of the debate about the instrument.

One of the points raised by the ILO questionnaire was whether the member States thought the instrument should urge governments to “define a national strategy and create an institutional framework for training and the implementation of training policies”.⁹⁷

Responses to this first initiative were positive, but some governments made important comments on the subject. Cuba, for example, observed that strategies and frameworks ought to be defined by governments in such a way as to cater to each country’s individual characteristics. The United Kingdom insisted that participation should be widened to include all interested parties and not just the social partners. South Africa felt that when these strategies and institutional frame-

⁹⁶ Provisional Record (2004), para. 365.

⁹⁷ Learning and training for work in the knowledge society (Report IV-1) 2003, cit., p. 112.

works are designed and implemented, governments should be urged to take account of the opinions of people outside the formal economy, and the unemployed.⁹⁸

99. In the first discussion the workers tabled an amendment to “strengthen the Office (ILO) text by including the term “institutional tripartite framework”, which already appeared in the Conference resolution from 2000. However, this was not supported by a number of governments including those of Brazil, Canada, Finland, Portugal and South Africa.⁹⁹ The employers preferred the term “framework”, without making explicit whether it should be “institutional” or “tripartite”. To circumvent this difficulty, the government member for France proposed “reference framework”.

In an attempt to retain a meaning similar to “institutional” the workers proposed “systematic framework”, but this idea did not meet with general acceptance.

The ILO paper with the provisional text of the recommendation that was circulated among the member States said that “the meaning is not immediately clear”.¹⁰⁰ In the observations made by member States, many governments¹⁰¹ commented that the expression “guiding framework” was not clear.

This subject was taken up again in the second discussion but no alternative wording that reflected the various different points of view could be agreed upon, so “guiding framework” was retained.

100. Another aspect of this question came under the spotlight when the Mercosur countries proposed an amendment to replace the words “with the involvement of the social partners” by the phrase “through tripartite dialogue”.

This is a convenient point at which to examine the positions of governments, employers and workers with regard to dialogue, social partners and the tripartite system.¹⁰²

The employers understood that “tripartite dialogue implied institutionalizing interaction” so they did not support the amendment. In response to this, the government member for New Zealand pointed out that “tripartite dialogue was

98 *Idem.*, pp. 28 to 33.

99 Provisional Record (2003), para. 194.

100 Human resources development and training (Report IV-1), 2004, p. 4.

101 Human resources development and training (Report 2A), *cit.*, 2004, pp. 31 to 40.

102 On this point, see the debate with very interesting profiles, in paragraphs 384 to 389 of the Provisional Record of the 92nd Conference (2004), from which the quotations in this text are taken.

only one type of activity involving the social partners and did not reflect all the ways that social partners could cooperate.”

The government member for Papua New Guinea, supported by Canada, Kenya, Thailand and the United States, made a significant contribution by agreeing that “adding the term “social partners” could include contributions made by other partners.”

The debate on this issue came to an end with two important points, and we shall quote them here in their entirety: “Considering the views expressed by the Committee, the Government member of Argentina withdrew the amendment, reminding the Committee that there were few references to trade unions in the text.”

“The Worker Vice-Chairperson drew attention to the fact that the term “social partners” had a special meaning in the ILO context: it means governments, employers and workers. She expressed concern that the statements of a number of Government members seemed to imply that “social partners” was taken to include other parties.”¹⁰³

(b) develop supportive social and other policies, and create an economic environment and incentives, to encourage enterprises to invest in education and training, individuals to develop their competencies and careers, and to enable and motivate all to participate in education and training programmes;

101. This was based on the ILO questionnaire, the wording was agreed in the first discussion and it remained unchanged. The phrase “develop supportive social policies” was included at the suggestion of the employers, and the workers proposed adding the words “and other”, to make the final draft more “inclusive”.

(c) facilitate the development of an education and training delivery system consistent with national conditions and practices;

102. In the second discussion the employers proposed that this clause should be deleted because “the delivery of training was not the responsibility of government”.¹⁰⁴ This amendment was supported by the government members from the

¹⁰³ Provisional Record (2004), paras. 388-389.

¹⁰⁴ Provisional Record (2004), para. 406.

United States, Papua New Guinea, Australia, the United Kingdom, Switzerland and Trinidad and Tobago.¹⁰⁵

The workers felt that the clause “did not imply that governments were responsible for delivering training, but that it was a government responsibility to facilitate the development of a training delivery system.”¹⁰⁶ The government member for South Africa pointed out that “from the perspective of developing countries, where private training systems were not well developed, governments did have a role to play in training delivery.”¹⁰⁷ For varying reasons, the government members for Portugal and Canada were in favour of keeping the version of this clause that was adopted at the first discussion.

(d) assume the primary responsibility for investing in quality education and pre-employment training, recognizing that qualified teachers and trainers working under decent conditions, are of fundamental importance;

103. This clause is close to the draft that emerged from the first discussion. At that time the reference to “qualified teachers and trainers” was added to the original text drawn up on the basis of the ILO questionnaire.

(e) develop a national qualifications framework to facilitate lifelong learning, assist enterprises and employment agencies to match skill demand with supply, guide individuals in their choice of training and career and facilitate the recognition of prior learning and previously acquired skills, competencies and experience; this framework should be responsive to changing technology and trends in the labour market and recognize regional and local differences, without losing transparency at the national level;

104. During the second discussion the employers proposed that this clause should figure in the chapter about the recognition of qualifications. The workers disagreed, arguing that “The clause was much broader than recognition and certification of skills, and addressed the guidance of individuals in their choice of training, as well as technological change.”¹⁰⁸

A group of government members¹⁰⁹ proposed replacing the term “guide

105 Provisional Record (2004), paras. 408-409.

106 Provisional Record (2004), para. 407.

107 Provisional Record (2004), para. 410.

108 Provisional Record (2004), para. 438.

109 Australia, Austria, Belgium, Canada, Germany, Japan, the Netherlands, Norway, Slovakia, Sweden, Switzerland, Turkey, the United Kingdom and the United States.

individuals in” with “inform individuals about”, but the workers did not agree because the word “guide” has a more active sense than “inform”, which is more passive, and they “noted that in today’s complex world people needed guidance, and this applied also to workers with jobs”.¹¹⁰

(f) strengthen social dialogue and collective bargaining on training at international, national, regional, local, and sectoral and enterprise levels as a basic principle for systems development, programme relevance, quality and cost-effectiveness;

105. The content of this controversial clause gave rise to the longest debate in the second discussion period, and negotiations were still going on right up to the end of the plenary session of the Conference.

Originally the ILO questionnaire raised the question of whether the instrument should urge governments to “strengthen social dialogue about training on different levels” (national, regional, local, sectoral and enterprise).

106. During the first discussion the workers proposed to amend this paragraph to include the terms “collective bargaining” and “international”.

The employers did not agree. The Employer Vice-Chairperson proposed an amendment to delete the words “collective bargaining” and “national, regional, local, sectoral and enterprise levels”. The argument was that “One of the outcomes of social dialogue could be collective agreement but it should not be the only focus, and leaving the level open reflected the differences among countries and situations, including the fact that social dialogue was mainly for the social partners.”¹¹¹

The government members from Botswana, Brazil, Ecuador, Greece, Malawi, Portugal and Switzerland supported retaining the term “collective bargaining” because “it brought more precision and strength to “social dialogue”, and could be important in sectoral social dialogue especially in strengthening competitiveness”.¹¹² The opposite view was taken by the governments of the Philippines, India, Indonesia, Japan, Namibia, Papua New Guinea and Suriname, who were in favour of deleting the term “collective bargaining” on the grounds that “Training was not just for organized workers but for unorganized workers as well, and it is difficult to see how collective bargaining could address the problems of the

110 Provisional Record (2004), para. 449.

111 Provisional Record (2003), para. 283.

112 Provisional Record (2003), para. 285.

latter category, which was growing”.¹¹³ Some of these governments were in favour of adding the word “international” to the list of levels for social dialogue.

There was an indicative poll, and the outcome was a clear majority of government members against retaining the words “collective bargaining”.

107. In the second discussion the employers proposed that clause 5f should be merged with number 7 because the two dealt with similar issues.¹¹⁴ The text should urge the member States to “strengthen social dialogue on training on different levels as a basic principle for systems development, programme relevance, quality and cost-effectiveness”.¹¹⁵

The Worker Vice-Chairperson supported the amendment but proposed that a more detailed list of the different levels, including the international level, should replace the words “at different levels”.¹¹⁶

The government member from Argentina insisted that the expression “and particularly collective bargaining” should feature in the text after the words “strengthen social dialogue” because, on her understanding, “collective bargaining was fundamental and was a basic tool for promoting training”.¹¹⁷

The Employer Vice-Chairperson was against both proposals. He said he considered the question of the word “international” with reference to social dialogue as “difficult”, and as regards the second part of the proposal he felt that “what would come out of social dialogue was up to the social partners and that he was not prepared to list the outcomes of social dialogue. Whether or not it will lead to collective bargaining is up to the social partners and no issue for governments to interfere with”.¹¹⁸

The workers group and the government members from Sweden, Portugal, France, Greece, Namibia and Peru supported the Argentine government’s proposal, but the governments of the United States, Canada, Australia, Trinidad

113 Provisional Record (2003), para. 286.

114 In the text of the agreements reached in the first discussion, the clauses in question read: “5. The Members should ... strengthen on different levels (international, national, regional, local, sectoral and of the enterprise) social dialogue with respect to training”... “7. The Members should foster the strengthening of social dialogue about training as a fundamental principle for the development of training systems and for the relevance, quality and cost effectiveness of the programmes”.

115 Provisional Record (2004), para. 461.

116 Provisional Record (2004), para. 462.

117 Provisional Record (2004), para. 463.

118 Provisional Record (2004), para. 464.

and Tobago, Switzerland, the United Kingdom, Finland, India, Ireland and the Netherlands were against it.

108. The Employer Vice-Chairperson called for a normal vote for the sake of clarity and this resulted in the Committee accepting the term “collective bargaining” with 48,900 votes in favour, 39,676 votes against and no abstentions.¹¹⁹ The Employer Vice-Chairperson expressed concern over the Committee’s decision stating that the wording adopted in this clause was completely unacceptable to the employers’ group, and that if it was retained the employers would be compelled to vote against adopting of the instrument as a whole.

There were a number of attempts to find a formula that was acceptable to the employers and so break the deadlock over the final draft adopted after the vote. In one of these alternative versions, put forward by the governments of France and the United Kingdom, the following text was suggested: “Strengthen social dialogue and support bipartite collective bargaining on training at international, national, regional and local levels, and also at sectoral and enterprise levels, considering them as basic principles for systems development, programme relevance, quality and cost effectiveness, taking the specific national industrial relations systems into account”.¹²⁰

However, no agreement could be reached on this question, and the version that was approved in the vote is what appears in the definitive text.

(g) promote equal opportunities for women and men in education, training and lifelong learning;

109. This stems from a proposal tabled in the first discussion which was supported by Australia, Belgium, Canada, Denmark, Finland, France, Greece, Luxembourg, the Netherlands, Norway, Portugal, Switzerland, the United Kingdom and the United States. It received broad support from the other governments too. The Worker Vice-Chairperson was also in favour and pointed out

¹¹⁹ Provisional Record (2004), paras. 481-482.

¹²⁰ Other possible alternatives suggested were: 1. “Strengthen social dialogue and support voluntary collective bargaining initiatives on training at different levels where they exist as basic principle for systems development, programme relevance, quality and cost-effectiveness, taking the specific national law and practice into account”; 2. “Strengthen social dialogue and support bipartite collective bargaining on training at international, national, regional, local, sectoral, enterprise levels as basic principles for systems development, programme relevance, quality and cost-effectiveness taking the specific national industrial relations systems into account”.

that non-discrimination was an extremely important issue, as expressed in the Discrimination (Employment and Occupation) Convention of 1958 (N° 111).¹²¹

In the second discussion there was a proposal from the African countries to replace the words “education and training” with “lifelong learning and the development of entrepreneurial capacity”.

In the end it was agreed that the words “and lifelong learning” should be added after “education (and) training” which figured in the draft from the first discussion.

(h) promote access to education, training and lifelong learning for people with nationally identified special needs, such as youth, low-skilled people, people with disabilities, migrants, older workers, indigenous people, ethnic minority groups and the socially excluded; and for workers in small and medium-sized enterprises, in the informal economy, in the rural sector and in self-employment;

110. The employers presented a proposal to delete the list of groups. Their argument was that “since it was impossible to list in the clause every possible group with special needs, it was more appropriate that the groups be identified nationally”.

The Worker Vice-Chairperson did not support the amendment. This point was resolved thanks to a proposal by the government member for Trinidad and Tobago, speaking on behalf of the Caricom countries, who proposed that the text be amended to include the words “nationally defined” and “including”, which would make it clear that the list should not be taken as exhaustive.¹²²

In the second discussion there were two additions to the list of persons with special needs.

First, the government member for the Netherlands, speaking on behalf of the governments of Belgium, Canada, France, Portugal, Slovakia and the United Kingdom, proposed that the text should also mention “low-skilled people” since these individuals “were particularly vulnerable to long-term unemployment and social exclusion”.¹²³

Second, the government members for New Zealand, Canada, Finland, the Netherlands, Norway, Slovakia, Turkey and the United Kingdom tabled an

121 Provisional Record (2003), paras. 296-298.

122 Provisional Record (2004), para. 501.

123 Provisional Record (2004), para. 507.

amendment to add two more groups to the list: indigenous peoples and ethnic minorities.

(i) provide support to the social partners to enable them to participate in social dialogue on training;

111. This item did not figure in the ILO questionnaire to member States. In the first discussion the workers introduced an amendment to “reaffirm” the importance of government support for the social partners “so they could fully participate in education and training”.¹²⁴ The Employer Vice-Chairperson agreed with the proposal, but added a subamendment to replace the reference to “employers’ organizations, trade unions and community organizations” by the term “social partners”.

(j) support and assist individuals through education, training and lifelong learning, and other policies and programmes, to develop and apply entrepreneurial skills to create decent work for themselves and others.

112. The government member for South Africa raised the question of entrepreneurial training and the goal of decent jobs. This question had been postponed after a series of proposals from the African countries.

6. (1) Members should establish, maintain and improve a coordinated education and training system within the concept of lifelong learning, taking into account the primary responsibility of government for education and pre-employment training and for training the unemployed, as well as recognizing the role of the social partners in further training, in particular the vital role of employers in providing work experience opportunities.

113. In the ILO questionnaire there was just one clause, but today it is divided into 6.1 and 6.2. The first part deals with “macro” aspects of the education and training system, and the role of government and the social partners. In the second part the basic content of education is laid down.

The final part of the draft that emerged from the first discussion was modified at the behest of the African countries to include recognition of the role employers should play in helping young people enter the world of work.

| 124 Provisional Record (2003), para. 314.

(2) Education and pre-employment training include compulsory basic education incorporating basic knowledge, literacy and numeracy skills and the appropriate use of information and communication technology.

114. The government member for Brazil, speaking on behalf of the governments of the Mercosur countries, sought to add the phrase “to guarantee personal development and citizenship” at the end of this clause, but this did not rally sufficient support among the employers or the workers.¹²⁵

7. Members should consider benchmarks in relation to comparable countries, regions and sectors when making decisions about investment in education and training.

115. This seems straightforward enough, and the text which was adopted at the first discussion was accepted almost unchanged.

III. EDUCATION AND PRE-EMPLOYMENT TRAINING

8. Members should:

(a) recognize their responsibility for education and pre-employment training and, in cooperation with the social partners, improve access for all to enhance employability and to facilitate social inclusion;

116. In the second discussion, following a proposal by the African countries, the words “in cooperation with the social partners” were added.

Paradoxically, the employers did not support this amendment, arguing that this cooperation was already referred to elsewhere in the text. The workers, however, did support the change, in spite of that obvious repetition.¹²⁶ The governments on the Committee who expressed an opinion supported the amendment.

In pursuit of clarity in the text, the original wording “to prevent social exclusion” was replaced by the more positive phrase “to facilitate social inclusion”.

(b) develop approaches for non-formal education and training, especially for adults who were denied education and training opportunities when young;

117. The original text was retained in spite of an attempt by some countries to replace “especially for adults who were denied education ...” with “for persons who were...” This modification of the text would have broadened its scope

¹²⁵ Provisional Record (2004), paras. 577-578.

¹²⁶ Provisional Record (2004), paras. 596-597.

to include young persons as eventual beneficiaries of non-formal focuses in education and training, which the workers' members were not prepared to accept.

The Mercosur countries proposed that at the end of the clause after “young”, the phrase “promoting experiments successfully carried out by community, employers' and workers' organizations” should be added. The Worker Vice-Chairperson supported the amendment, but it failed for lack of support from the governments of a number of countries including the United States, Thailand, Switzerland, Sweden, Greece and the Lebanon. The government member for Brazil explained that “the objective of the amendment was to draw attention to a new type of education”, and as this objective seemed to have been achieved, the amendment was withdrawn”.¹²⁷

(c) encourage the use of new information and communication technology in learning and training, to the extent possible;

118. At the instigation of a group of developed countries, this text was improved by replacing the term “take advantage of” which figured in the original by “encourage”, which appears in the definitive version.

(d) ensure provision of vocational, labour market and career information and guidance and employment counselling, supplemented by information on the rights and obligations of all concerned under labour-related laws and other forms of labour regulation;

119. This clause originated in the ILO questionnaire, which said the instrument should encourage governments to “guarantee information and guidance in careers and professions”.

The text was improved in the first discussion. The Worker Vice-Chairperson introduced a subamendment which added the phrase “supplemented by information on the rights and obligations of all concerned under labour law, including relevant aspects of collective bargaining”.¹²⁸

The Employer Vice-Chairperson did not support the “inclusion of a reference to collective bargaining, as this would specify only one element of a range of labour-related laws and regulations”.¹²⁹

In the debate, the Worker Vice-Chairperson, referring to the Human Re-

127 Provisional Record (2004), para. 620.

128 Provisional Record (2003), para. 360.

129 Provisional Record (2003), para. 361.

sources Development Convention of 1975 (No. 142), noted “that it was established practice to make special mention of the general aspects of collective agreements”. The government member from Australia supported the employers’ position on the grounds that “reference to collective bargaining and agreements was too specific for the proposed instrument”.¹³⁰

A way out of this impasse was provided by the government member from the Philippines, who suggested adding “under labour-related laws”. The Worker Vice-Chairperson proposed the phrase “under labour related laws and other agreed regulations”, and this was supported by the employers so long as the word “agreed” was deleted.¹³¹ This wording was found to be acceptable, and it was not changed in the second discussion.

(e) ensure that education and pre-employment training programmes are relevant and that their quality is maintained;

120. In the second discussion there was a proposal by some government members to include a reference to the “needs of the labour market” after the word “employment”, but the workers’ group opposed this on the grounds that it had already been agreed that one of the objectives of education and training was active citizenship, so the reference to “the market” might be too restrictive.

(f) ensure that vocational education and training systems are developed and strengthened to provide appropriate opportunities for the development and certification of skills relevant to the labour market.

121. An amendment was introduced by the government members from Barbados, Jamaica and Trinidad and Tobago to replace the original word “competencies” by “skills”, and as this appeared to be a linguistic change there were no objections and the matter was passed on to the Drafting Committee.¹³²

However, since this clause deals with “education and training before employment”, it seems doubtful (or at least insufficient) to refer exclusively to competencies, so in fact this is not just a linguistic matter but a question of content.

IV. DEVELOPMENT OF COMPETENCIES

¹³⁰ Provisional Record (2003), para. 363.

¹³¹ Provisional Record (2003), paras. 365, 368, 369.

¹³² Provisional Record (2004), para. 641.

122. When this phrase came up for consideration there was renewed debate about the exact scope of the terms “qualifications” and “competencies”, and this time the question was not merely linguistic, as was the case in the discussion of clause 8f. This debate came about when the Mercosur countries proposed an amendment to add the words “and qualifications” to the title of the chapter.

There followed a long discussion about content in which the employers’ held that “qualifications were an important yardstick to measure competencies of individuals, but could not be “developed” in the sense that competencies could”.¹³³ The amendment was opposed by the governments of Australia, India, Trinidad and Tobago, Switzerland, the United States and Ireland, and it was supported by Germany, Jamaica, Papua New Guinea, Portugal and Saudi Arabia, and also by the workers’ members.

No agreement was reached so the amendment was withdrawn.

9. Members should:

(a) promote, with the involvement of the social partners, the ongoing identification of trends in the competencies needed by individuals, enterprises, the economy and society as a whole;

123. This clause originated in the ILO questionnaire, and it was altered during the first discussion when the workers proposed inserting the reference to “the involvement of the social partners”,¹³⁴ and the term “society as a whole” after “economy”.

(b) recognize the role of the social partners, enterprises and workers in training;

124. In the ILO questionnaire there were explicit references to learning in the workplace and to job experience, and these were dealt with more fully in the subsequent clauses. No changes were made to this text after the first discussion.

(c) support initiatives by the social partners in the field of training in bipartite dialogue, including collective bargaining;

125. In the ILO questionnaire it said that the members should support “initiatives on different levels by the social partners and the function of training in the ambit of bipartite dialogue and collective agreements”. In the next clause,

¹³³ Provisional Record (2004), para. 644.

¹³⁴ Provisional Record (2003), para. 390.

the ILO text said the members should be urged to “take initiatives at different levels of the administration to make tripartite agreements about training”.

In the first discussion the workers tried unsuccessfully to replace the word “support” by “promote”, and this gave rise to an interesting debate about the mechanisms of social dialogue, linking this with other provisions in the instrument.

The employers did not agree to the inclusion of the term “collective negotiation” since it applied to social partners but not to governments. After informal discussions with the worker members, the employers proposed replacing the term “negotiation” by “consultation”.¹³⁵ The government member from Portugal said that “her country had experience in tripartite negotiations related to establishing goals for education and training and labour market policies. It was therefore appropriate to talk about “tripartite concertation”.¹³⁶ Other government members were of the opinion that although the word “concertation” was stronger than “dialogue” or “consultations”, there was no equivalent term in the English language. No agreement was forthcoming on this point, and in the spirit of compromise the Worker Vice-Chairperson proposed using the concept of “consensus”, but this was unacceptable because “consensus could not be imposed”.

The Chairperson then called an indicative poll to decide between the terms “tripartite negotiations” and “tripartite dialogue”, and the result was a clear majority of government members in favour of the word “dialogue”. The Worker Vice-Chairperson noted that “tripartite dialogue” was a weak term, and it would be preferable to retain a mention of “negotiations”.¹³⁷

(d) provide positive measures to stimulate investment and participation in training;

126. The debate about this clause was also very interesting because of the novel aspects that this recommendation contains, and there was discussion of the different roles that governments and social partners played in the field of investment.

To clarify this, we should look at the origins of clause d.

In the ILO questionnaire there were two clauses that dealt with investment in training. In the first, it said that governments should “assume the main re-

135 Provisional Record (2003), para. 404.

136 Provisional Record (2003), para. 406.

137 Provisional Record (2003), paras. 409 to 416.

sponsibility when it came to stimulating investment in the training field”, and in the second they would recognize “the function of the social partners, enterprises and each worker, in cooperating with the government, as regards promoting investment in the training ambit”.

In the first discussion the employers’ position was that the different players have different responsibilities when it comes to investing in training, and they therefore proposed that the text should make it clear that governments should “assume primary responsibility for the training of the unemployed and share responsibility with the social partners for stimulating investment and participation in training”.¹³⁸ The Worker Vice-Chairperson argued that this wording “did not clearly define the responsibility of governments for investing in training”, and therefore she proposed a subamendment to “recognize the role of the social partners, enterprises and workers in contributing to training and provide positive measures to stimulate investment and participation in training”.

The employers and some government members agreed with this formulation but noted that there was no reference to a government’s responsibility for the training of unemployed workers. This resulted in two clauses being adopted at the first meeting. Governments should:

- d) provide concrete measures to stimulate investment and participation in training, and
- e) assume the principal responsibility in the training of the unemployed.

127. In the second discussion, following an employers’ initiative, clause e) was deleted because in referring to training for the unemployed it merely repeated content that was dealt with in other items in the recommendation.

(e) recognize workplace learning, including formal and non-formal learning, and work experience;

128. This clause was retained from the original that figured in the ILO questionnaire (No. 10, clause b) with almost no changes.

(f) promote the expansion of workplace learning and training through:
(i) the utilization of high-performance work practices that improve skills;
(ii) the organization of on- and off-the-job training with public and private training providers, and making greater use of information and communication technology; and

| 138 Provisional Record (2003), para. 422.

(iii) the use of new forms of learning together with appropriate social policies and measures to facilitate participation in training;

129. This provision originated in the ILO questionnaire. The final order of the items was decided at the first meeting, and the last section was added after a proposal by the workers that stemmed from the fact that there is “great concern around the world over a widening “digital divide” between rural and urban regions, between the poor and non-poor, and between the developed and developing world”.¹³⁹

One example of “appropriate social policies and measures” would be the setting up of childcare facilities to help people with family responsibilities to be able to attend training courses.

130. In the second discussion there was debate about the first section of the clause. The original text read “the utilization of high-performance work practices”, but the government member from Argentina, speaking on behalf of the Mercosur countries,¹⁴⁰ felt that the term “high performance” implied, in the Spanish language at any rate, an intensification of labour. This problem was solved by adding the words “that improve skills”.

(g) urge private and public employers to adopt best practices in human resources development;

131. There was debate about this clause in the first discussion because the employers did not agree with the original version about governments “promoting human resources management at enterprise level”, since they felt that governments should not interfere in the management of enterprises.¹⁴¹ Various government members shared the employers’ view on this point, but noted that “there was still a role for governments”.

The government member for Canada found a way around this difficulty with a proposal to modify the text so that it read “encourage enterprises to model best practices in human resources development”. This was accepted by the employers after agreement to replace the word “enterprises” by “private and public employers”.¹⁴²

¹³⁹ Provisional Record (2003) para. 431.

¹⁴⁰ Provisional Record (2004), para. 678.

¹⁴¹ Provisional Record (2003), para. 436.

¹⁴² Provisional Record (2003), paras. 442-443.

(h) develop equal opportunity strategies, measures and programmes to promote and implement training for women, as well as for specific groups and economic sectors, and for people with special needs, with the objective of reducing inequalities;

132. The final text of this clause, which was an improvement on the version in the ILO questionnaire, was agreed in the first discussion. It is true that this repeats what is said in other provisions in the instrument, and there is also doubt about whether the list gives sufficiently precise definitions of “people with special needs”.

(i) promote equal opportunities for, and access to, career guidance and skill upgrading for all workers, as well as support for retraining employees whose jobs are at risk;

133. In the ILO questionnaire this clause referred to promoting vocational and educational guidance for “salaried workers”.

In the first discussion the government members from Trinidad and Tobago, the Bahamas, Barbados and Suriname tabled an amendment “to include opportunities for retraining for employees whose jobs were at risk due to globalization, restructuring and other labour market changes”.¹⁴³

The government member for Canada proposed including the words “promote opportunities for”, and the Worker Vice-Chairperson added “equal” before “opportunities”.¹⁴⁴

(j) call upon multinational enterprises to provide training for all levels of their employees in home and host countries, to meet the needs of the enterprises and contribute to the development of the country;

134. This provision about the role of multinational enterprises was proposed in the first discussion by the workers’ group. It was based on the Tripartite Declaration of Principles concerning Multinational Enterprises (MNEs) and Social Policy, which contained “specific clauses on MNE’s responsibilities for training”.¹⁴⁵

This wording was retained in the second discussion, although there was an unsuccessful attempt by the Mercosur countries to replace the term “call upon” with the word “urge” as this was a more active term, to add “in the framework

¹⁴³ Provisional Record (2003), para. 457.

¹⁴⁴ Provisional Record (2003), paras. 462-463.

¹⁴⁵ Provisional Record (2003), para. 465.

of social dialogue” after “multinational enterprises”, and the word “similar” after “provide”, in order to ensure quality of training.

This amendment foundered because of opposition from the employers and from a group of countries including Canada, India, Ireland, the Lebanon, Papua New Guinea, Thailand, the United Kingdom and the United States.¹⁴⁶

Another proposal that failed was an attempt to insert the term “relevant” before “training”, and to delete the phrase “for all levels”. On the latter point, the Worker Vice-Chairperson argued that “it was important to emphasize that resources for training should be evenly distributed among all workers in the enterprise because in some countries, certain categories of workers might be neglected with regard to access to training opportunities”.¹⁴⁷

(k) promote the development of equitable training policies and opportunities for all public sector employees, recognizing the role of the social partners in this sector;

135. There was an attempt by the government member for the Philippines to insert the words “public sector unions and associations”, but it was considered that “social partners” was sufficiently comprehensive.¹⁴⁸

(l) promote supportive policies to enable individuals to balance their work, family and lifelong learning interests.

136. This clause came into being in the second discussion in response to the need to recognize certain kinds of social policies in the area dealt with by the Paid Education Leave Convention, 1974 (No. 140).

The original text was a proposal by the workers to promote supportive policies in areas like childcare, flexible work times compatible with family life, and paid education leave, which would “enable individuals to balance their work, family and lifelong education interests”.

In subsequent negotiations the Committee deleted the list of types of supportive policies and left the clause in a generalized form.¹⁴⁹

V. TRAINING FOR DECENT WORK AND SOCIAL INCLUSION

10. Members should recognize:

¹⁴⁶ Provisional Record (2004), paras. 693 to 698.

¹⁴⁷ Provisional Record (2004), paras. 710 and 712.

¹⁴⁸ Provisional Record (2003), paras. 468 and 471.

¹⁴⁹ Provisional Record (2004), paras. 723 to 725.

(a) the primary responsibility of government for the training of the unemployed, those seeking to enter or re-enter the labour market and people with special needs, to develop and enhance their employability to secure decent work, in the private and public sectors, through such measures as incentives and assistance;

137. In the second discussion a change was made to the wording of this clause. The employers proposed that, with reference to government, the word “role” should be replaced by “responsibility”. The government members could not reach complete agreement on this point.

This distinction is important because it helps to clarify exactly what the roles of the State and the social partners are as regards certain instances of training. For example, the Worker Vice-Chairperson argued that “For training for the unemployed, the social partners had a more limited role in comparison to the government. The amendment therefore added clarity”.¹⁵⁰

(b) the role of the social partners to support, through human resources development policies and other measures, the integration of the unemployed and people with special needs in jobs;

138. The final version is an improvement on the text of the ILO questionnaire thanks to an amendment tabled by the workers in the first discussion that added the reference to the re-integration into the labour market of “people with special needs”.¹⁵¹

No changes were made in the second discussion.

This clause supplements the previous one by emphasizing that the social partners play an auxiliary role in this area, and governments have the main responsibility.

(c) the role of local authorities and communities and other interested parties in implementing programmes for people with special needs.

139. The local level that comprises authorities and communities is the last category of participants in supportive policies for people with special needs. But this does not apply to the unemployed; unlike in previous clauses, they are not mentioned here.

¹⁵⁰ Provisional Record (2004), para. 741.

¹⁵¹ Provisional Record (2003), para. 518.

Note that the role of this category of actors is less precisely defined. The clause refers to implementing programmes that are defined by the people who have the “primary responsibility” (clause a) or even by those who have a role in human resources development and other policies (clause b).

Besides this, there is another important facet to this clause.

140. Since the “social partners” in clause b) are distinguished from “communities and other interested parties” in clause c), it is clear that the former category is made up only of workers’ and employers’ organizations, while the latter consists of other groups such as “training providers and academics”,¹⁵² for example, or non-governmental organizations.¹⁵³

This interpretation is clear from the text, but over and above these references the government member for the United Kingdom made the distinction explicit by explaining that “the meaning of “social partners” in the ILO context was well understood and was limited to governments, workers and employers”.¹⁵⁴

VI. FRAMEWORK FOR RECOGNITION AND CERTIFICATION OF SKILLS

11. (1) *Measures should be adopted, in consultation with the social partners and using a national qualifications framework, to promote the development, implementation and financing of a transparent mechanism for the assessment, certification and recognition of skills, including prior learning and previous experience, irrespective of the countries where they were acquired and whether acquired formally or informally.*

141. In the ILO questionnaire there was a reference to “a legal and institutional framework” for allocating responsibilities and financing in the area of skills recognition and certification, and this was why many countries were against it. It “was seen as too restrictive to be able to address the widely divergent circumstances confronting countries in the recognition and certification of skills”.¹⁵⁵

This mention of the question of the recognition of skills in other countries gave rise to certain disagreements among government members in the first and second discussions.¹⁵⁶ The Worker Vice-Chairperson argued in favour of assessing and recognizing prior learning as “many workers might have no formal train-

152 Provisional Record (2004), para. 752.

153 Provisional Record (2004), para. 753.

154 Provisional Record (2004), para. 754.

155 Provisional Record (2003), para. 478.

156 Provisional Record (2004), para. 794.

ing, and yet have acquired, during their many years of work experience, specific competencies that could be assessed and certified as equivalent to formal training”.¹⁵⁷

There was an attempt to modify this clause to take account of the link to regional integration processes, by adding the term “and regional” after “national”, but this was not accepted.

(2) Such an assessment methodology should be objective, non-discriminatory and linked to standards.

142. The only significant change here was that in the second discussion the word “just” was replaced by “objective”.

(3) The national framework should include a credible system of certification which will ensure that skills are portable and recognized across sectors, industries, enterprises and educational institutions.

143. Originally clause 11 was one single text, but in the consultations after the first discussion a number of governments and social partners pointed out that it was confusing.¹⁵⁸

To remedy this, the ILO reorganized the text into three sub-clauses and changed the wording to make it clearer. This clause was not significantly amended in the second discussion.

12. Special provisions should be designed to ensure recognition and certification of skills and qualifications for migrant workers.

144. This clause was introduced by the workers in the first discussion. Their argument was that there were many people working outside their home countries “and when they returned to their own country or migrated to a third country, the skills they had previously acquired were not recognized”.¹⁵⁹ The amendment was accepted, but only after the employers had made an unsuccessful attempt to insert the term “foreign workers” in place of “migrant workers”, to avoid making a reference to a category that is often associated with “unskilled workers”. The workers did not agree on this change.

VII. TRAINING PROVIDERS

¹⁵⁷ Provisional Record (2004), para. 797.

¹⁵⁸ Human resources development and training, Report IV (2A), pp. 57 to 59.

145. In the second discussion the Spanish language version of this title was changed. In the ILO questionnaire the word “suppliers” was used, but this did not equate with the English and French versions (*training providers* and *prestataires de formation*).

13. Members should, in cooperation with the social partners, promote diversity of training provision to meet the different needs of individuals and enterprises and to ensure high-quality standards, recognition and portability of competencies and qualifications within a national quality assurance framework.

146. In the first discussion the employers proposed that “quality” should be mentioned in connection with training services, and this was supported by the workers and governments.

No changes were made in the second discussion. There was a proposal by some governments to replace “in cooperation with” by “with the participation of”, but this did not meet with success.

14. Members should:

- (a) develop a framework for the certification of qualifications of training providers;*
- (b) identify the roles of government and the social partners in promoting the expansion and diversification of training;*
- (c) include quality assurance in the public system and promote its development within the private training market and evaluate the outcomes of education and training;*

147. In the first discussion the employers introduced this amendment to stress that it is governments that are responsible for quality assurance in public education and training systems, and also for promoting quality assurance in the private training market.¹⁶⁰

The government member for Brazil, speaking on behalf of the Mercosur countries, argued that there should be a uniform system for quality assurance in public and private training and education, and proposed that a reference should be made to promoting quality assurance in the public and private training systems, with systematic and ongoing evaluation of the results of education and training. The employers did not agree with this proposal, maintaining that “government had responsibility for the quality of its own system, but in the private market the

¹⁵⁹ Provisional Record (2003), para. 487.

¹⁶⁰ Provisional Record (2003), para. 555.

government could only promote quality”. The workers felt that adding “governments” to the text might weaken it so they did not support the amendment either.¹⁶¹

(d) develop quality standards for trainers and create the opportunities for trainers to meet such standards.

148. In the original version of this clause, which was proposed by the workers, there was also a reference to ensuring “decent working conditions, remuneration and training of the teaching profession as a critical element of training delivery”.¹⁶² This did not receive enough support to appear in the final version.

VIII. CAREER GUIDANCE AND TRAINING SUPPORT SERVICES

149. This is a new chapter that did not figure in the proposals that emerged from the first meeting. However, its content is not entirely new since most of it was dealt with in item 20 of the chapter about “Research in human resources development, education, training and lifelong learning”, which is now chapter IX.

15. Members should:

(a) assure and facilitate, throughout an individual’s life, participation in, and access to, vocational and career information and guidance, job placement services and job search techniques and training support services;

150. The current text is a synthesis of the longer version that was agreed in the first discussion. This change was made at the instigation of the employers.

(b) promote and facilitate the use of information and communication technology, as well as traditional best practices in career information and guidance and training support services;

151. In the second discussion the question of career guidance, which is particularly important in employment placement services, was introduced. It was clear from comments by various government members that in many countries

¹⁶¹ Provisional Record (2004), paras. 818 to 821.

¹⁶² Provisional Record (2003), para. 556.

there is no clear definition of career guidance, and in others it was a new element altogether.¹⁶³

(c) identify, in consultation with the social partners, roles and responsibilities of employment services, training providers and other relevant service providers with respect to vocational and career information and guidance;

152. On this point, the workers made an unsuccessful attempt to have the phrase “based on social dialogue” inserted after “social partners”. This change was not accepted by the Committee. However, it is important to focus on this proposal since it helps to define the degree of participation on the part of the actors in employment services, and in the last analysis these actors belong to the diverse institutional framework that regulates and/or supports labour market policies.

(d) provide information and guidance on entrepreneurship, promote entrepreneurial skills, and raise awareness among educators and trainers of the important role of enterprises, among others, in creating growth and decent jobs.

153. The concept of “entrepreneurial skills” figures in this text, and there is recognition that entrepreneurs play a role in providing (decent) employment. The government member for South Africa, speaking on behalf of the African group, presented an amendment to add the phrase “and on access to capital and markets for entrepreneurs” after “entrepreneurial skills”.

The debate that ensued was interesting because it shed light on the exact scope that the word “entrepreneurship” has in the recommendation. In this case, the employers felt that access to markets was implicit in guidance in entrepreneurial skills, and the workers felt that accepting the African amendment would have changed the nature of the instrument.¹⁶⁴

IX. RESEARCH IN HUMAN RESOURCES DEVELOPMENT, EDUCATION, TRAINING AND LIFELONG LEARNING

16. Members should evaluate the impact of their education, training and lifelong learning policies on the progress made towards achieving broader human development goals, such as the creation of decent jobs and poverty eradication.

¹⁶³ Provisional Record (2004), para. 841.

¹⁶⁴ Provisional Record (2004), paras. 849 to 851.

154. This is a new clause that emerged from the second discussion following a proposal by the African countries.

The Employer Vice-Chairperson felt that the evaluation ought not to be limited to just two very broad objectives, but there was widespread government support for the proposal and it was accepted.

17. Members should develop their national capacity, as well as facilitate and assist in developing that of the social partners, to analyse trends in labour markets and human resources development and training.

155. This clause stemmed from a proposal by the workers in the first discussion. The amendment focused “on capacity building for member States, as well as on the part of the social partners in areas such as information data collection and analysis on trends in the labour market and human resources development. In the information age this help would become critical in analysing and identifying new trends and occupations, especially those which would become redundant”.¹⁶⁵

The Government member for Canada added the phrase “facilitate and assist in developing” the social partners’ skills, in line with common practice in many countries. This catered to some difficulties the Employer Vice-Chairperson had highlighted.

18. Members should:

(a) collect information, disaggregated by gender, age, and other specific socio-economic characteristics, on educational levels, qualifications, training activities, and employment and incomes, especially when organizing regular surveys of the population, so that trends can be established and comparative analysis undertaken to guide policy development;

156. The text that was agreed in the first discussion was altered slightly in the second. As a result of an amendment tabled by the Mercosur countries, the range of information to be compiled was broadened with the addition of the words “and other specific socio-economic characteristics”.

(b) establish databases and quantitative and qualitative indicators, disaggregated by gender, age and other characteristics, on the national training system and gather data

| 165 Provisional Record (2003), para. 582.

on training in the private sector, taking into account the impact of data collection on enterprises;

157. The text from the first discussion was enriched, like in the previous clause, with the words “and other characteristics” after “age”, so this clause would be consistent with the changed version of clause a).

The reference to the “impact” on enterprises was included in the second discussion at the instigation of the employers.

(c) collect information on competencies and emerging trends in the labour market from a variety of sources, including longitudinal studies, and not confined to traditional occupational classifications.

158. A reference to the “qualifications”, which appeared before “competencies” in the text from the first discussion, was eliminated. The last point in the provision leaves open the possibility of employment studies based on new focuses.

19. Members should, in consultation with the social partners, and taking into account the impact of data collection on enterprises, support and facilitate research on human resources development and training, which could include:

159. This wording from the first discussion was not changed in the second. The Mercosur governments put forward an amendment to replace the term “in consultation with” by “with the participation of”, and the workers tried to have the phrase “based on social dialogue” inserted, but neither initiative was accepted.¹⁶⁶

(a) learning and training methodologies, including the use of information and communication technology in training;

(b) skills recognition and qualifications frameworks;

160. The original term “competencies” was replaced by “skills”, but there was no clear justification for this change.

(c) policies, strategies and frameworks for human resources development and training;

(d) investment in training, as well as the effectiveness and impact of training;

| 166 Provisional Record (2004), paras. 882-883.

(e) identifying, measuring and forecasting the trends in supply and demand for competencies and qualifications in the labour market;

161. In this clause the term “specialized technical knowledge” was deleted, because it was generally understood that, in line with the definition adopted in the instrument, this was covered by the word “competencies”.¹⁶⁷

(f) identifying and overcoming barriers to accessing training and education;

162. This clause was introduced during the second discussion after a proposal by the workers. The idea is that mention of identifying the barriers to accessing training would help in understanding them, and this would in turn lead to being able to take full advantage of human resources development opportunities.¹⁶⁸

(g) identifying and overcoming gender bias in the assessment of competencies;

(h) preparing, publishing and disseminating reports and documentation on policies, surveys and available data.

163. This clause stemmed from a proposal by the Mercosur governments whose aim was to affirm the need to disseminate reports and research findings. There was some difficulty in reaching agreement since employers and governments both understood that the findings of research studies are normally disseminated as a matter of course, and they felt that this did not need to be made explicit in the recommendation.

20. Members should use the information obtained through research to guide planning, implementation and evaluation of programmes.

164. This provision emerged from the first discussion, and only slight changes were made in the second, when the term “and evaluation” was added. It is a logical continuation of the whole matter of research policy in the human resources development area, and especially of clause 19h).

X. INTERNATIONAL AND TECHNICAL COOPERATION

21. International and technical cooperation in human resources development, education, training and lifelong learning should:

¹⁶⁷ Provisional Record (2004), para. 885.

¹⁶⁸ Provisional Record (2004), para. 888.

(a) develop mechanisms that mitigate the adverse impact on developing countries of the loss of skilled people through migration, including strategies to strengthen the human resources development systems in the countries of origin, recognizing that creating enabling conditions for economic growth, investment, creation of decent jobs and human development will have a positive effect on retaining skilled labour;

165. This is a new section which did not appear in the draft adopted at the first discussion. It merges a proposal from the employers with one from the African countries. Both initiatives deal with the question of emigration, but they tackle it from different perspectives: one is geared to getting people to remain in their country, and the other to mitigating the effects of migration, that is to say the effects of the brain drain in developing countries.

The government member for South Africa explained that “Much focus was put on the idea that people with skills should be able to move freely. But the loss of skilled labour, in which developing countries had invested very scarce resources, was an immense loss to those countries. The purpose of introducing the text was to promote the development of mechanisms that would mitigate the negative impact of brain drain for developing countries”.¹⁶⁹

(b) promote greater opportunities for women and men to obtain decent work;

(c) promote national capacity building to reform and develop training policies and programmes, including developing the capacity for social dialogue and partnership building in training;

166. There were almost no changes to clauses b) and c) in the two discussions. They remain virtually the same as the versions that appeared in the ILO questionnaire.

(d) promote the development of entrepreneurship and decent employment and share experiences on international best practices;

167. This clause resulted from a proposal by the employers. It originally included a mention of “self-employment”, but that was rejected out of hand by the workers. The Worker Vice-Chairperson explained that “in many developing countries (self-employment) was often associated with unpalatable forms of employment and working conditions. Making reference to self-employment in

| 169 Provisional Record (2004), para. 909.

this clause was inappropriate as it would give the impression that the ILO endorsed the promotion of casual and temporary forms of employment which were not consistent with its theme of decent employment. To remedy this, she proposed a subamendment to replace the words “self employment” with “decent employment””.¹⁷⁰

There were various twists and turns in the argument as the employers proposed a series of alternatives like “decent self-employment” and “self starters”, the United Kingdom suggested “decent employment, including self-employment”, and Australia suggested “decent work, development of entrepreneurship and business skills for self-development”.¹⁷¹

The formula that was finally accepted was put forward by the government member for Canada.

In the second discussion the government members for the African countries made an attempt to have a mention of access to international trade inserted in the clause, but this did not meet with success.

(e) strengthen the capacity of the social partners to contribute to dynamic lifelong learning policies, in particular in relation to the new dimensions of regional economic integration, migration and the emerging multicultural society;

(f) promote recognition and portability of skills, competencies and qualifications nationally and internationally;

(g) increase technical and financial assistance for developing countries and promote, at the level of the international financial institutions and funding agencies, coherent policies and programmes which place education, training and lifelong learning at the centre of development policies;

168. In clause g) the term “developing countries” was inserted in place of “less advanced countries” as the former was generally understood to cover more countries than the latter.¹⁷²

(h) taking into account the specific problems of the indebted developing countries, explore and apply innovative approaches to provide additional resources for human resources development;

170 Provisional Record (2003), para. 649.

171 Provisional Record (2003), paras. 651 and 653.

172 Provisional Record (2004), para. 932.

169. This formulation grew out of the second discussion. The original wording appeared in a proposal by the workers, and it gave rise to a long debate about the weight of foreign debt because of the way it was worded: “explore and apply innovative approaches to provide additional resources for human resources development, in particular mobilizing higher investment in education and training in developing countries through debt relief”.¹⁷³

For a variety of reasons the employers and a number of governments did not accept the proposal. The government member of France, for example, argued that the question of debt relief was beyond the scope of the instrument, and there was also a negative response from the governments of Austria, Ireland, Mexico, the Netherlands, New Zealand, Switzerland and the United States.¹⁷⁴ Many of these governments felt that financial assistance and the problem itself had already been tackled in clause g) of this same provision.

When it became clear that no agreement could be reached on the proposed text, the workers presented an alternative version which avoided the main points of dispute in their original proposal, and this was accepted.

(i) promote cooperation between and among governments, the social partners, the private sector and international organizations on all other issues and strategies encompassed in this instrument.

170. This wording was agreed in the first discussion was not altered in the second.

XI.FINAL PROVISION

22. The present Recommendation revises and replaces the Human Resources Development Recommendation, 1975.

171. The consequences of the revision and replacement of the 1975 recommendation on human resources development will be dealt with in next chapter of this study.

173 Provisional Record (2004), para. 937.

174 Provisional Record (2004), para. 943.

VI. Training subjects, focuses and actors in the new recommendation

VI.1 Notes on the two dimensions of the efficacy of Recommendation 195

172. The adoption of the new international instrument has given rise to a series of expectations about what the future holds for this standard, not only as regards its impact in the world of ILO standards, that is to say as regards the standards, practices and discourse that have to do with the ILO's mission, but also as regards its potential impact with respect to re-ordering systems in countries and in vocational training.

Both of these aspects are important, although at times it seems that focuses on the effects of international labour standards dwell almost exclusively on the efficacy that these standards have in the national ambit.

This *one-dimensional view* of the instruments produced by the International Labour Conference tends to focus attention on the impacts the new standard may have on national vocational training systems, and in the sphere of regional integration where some systems in this field have already been organized.

On this point, it should be noted that there is uneven but clear progress in integration agreements like the European Union and the Mercosur, and also some initiatives that have as yet not fully taken shape like the Andean Community of Nations (CAN). Therefore, declarations of principles, the coordination of systems, projects to establish modalities for the certification and recognition of skills and abilities, and even the implementation of training and teacher-exchange programmes, are all becoming more and more important in these spaces and are making the systems more and more alike. But this dynamic is also generating another kind of coming together, which has to do with shared perceptions and cooperative action by groups. This was very noticeable in the debates about Rec-

ommendation 195; different groups made common cause and took joint initiatives during the course of these meetings.

However, the integration perspective is not really a novel position in the recommendation even though it might have been expected that, given the current levels of progress of some of these processes, more space and time should have been given to these aspects. In fact, these aspects are not explicitly mentioned in the final text, and it seems they will continue to progress parallel to the ILO system.

173. To return to our main theme, it has to be said that a fair part of the contribution that Recommendation 195 can make will depend on the re-building or reinstatement of constitutional mechanisms to monitor the implementation of the recommendations, as was mentioned in chapter II of this book.

Given that application is voluntary, it may be that the most obvious demonstration of the importance of the new standards instrument will be that it could serve as an inspiration for solutions that each individual country might implement. The new recommendation is undoubtedly very “modern” as it incorporates focuses that are currently fashionable in many national systems, like *labour competencies* for example. However, we should note that the integration of this conceptual instrument into systems was effected without the necessary development in institutions. This was because some governments were unable to fully implement the recommendations in question, and this prevented any progress beyond the mere setting up of “national frameworks”.

In any case, the incorporation of these focuses and of a number of novel subjects into national ambits, which will mean important adjustments in a changing world, will not only depend on the ways that these global processes evolve. Another determinant factor is the possibility that developing countries have to keep up with this dynamic. This could be quite difficult, or at least relatively slow, to the extent that the recommendation does not give much support. To have an idea of the flimsiness of the instrument it is enough to note that informal work is hardly mentioned at all, and to recall that difficulties came up in the debates about recognizing “the weight of foreign debt” in the context of finding resources to meet the challenge of policies to develop human resources.

174. Another important element to consider here is that at the plenary session of the Conference the employers threw everything into doubt when they flatly refused to have the subject of collective bargaining included with refer-

ence to the different levels that figure in clause 5f) of the new instrument, and this led to them not voting for the recommendation as a whole. This is paradoxical because, for one thing, there are references to participation and consultation among the partners, and to social dialogue, throughout the entire text of the recommendation, so it would be difficult to do without an instrument as characteristic as collective bargaining. Besides this, there is a second paradox: if there is one thing above all else that distinguishes Recommendation 195 from its predecessor, Recommendation 150, it is precisely that the new instrument makes provisions for spaces for participation that are agreed by all the partners, but when it came to adoption by the Conference the employers as a group refused to vote for it. It remains to be seen how this situation will be handled by each of the member countries, and the outcome in each case will depend on each individual labour relations system.

175. Before we go on to examine some of the most important aspects of the content of the new recommendation, we should first give some consideration to the impact of the instrument on what we have called “the world of ILO standards”.

In fact, the new recommendation was adopted almost immediately after the ILO had finished drawing up a procedure for retiring obsolete recommendations that were replaced in practice or in law, and this covered instruments in the area of vocational training. The process of successive synthesis that was wrought by Recommendations 117 and 150 tended to simplify standards because these instruments were increasingly general in scope, but at the same time they were making the network of standards denser and more complex since the solutions adopted were more and more detailed.

At the end of this process there is now just one standard in force for vocational training: Recommendation 195. This is an achievement, certainly, but it also involves a challenge because this recommendation has to be brought into harmony and made compatible with Convention 142. The two instruments are separated by a gap of 29 years, and in that time the world has changed completely. In fact, although the new standard is replacing a former standard and therefore does not involve any difficulties that might arise from conflicting interpretations or having to be coherent with its predecessor, it does inevitably run into problems because of one specific characteristic. This is that Recommendation 195 is not an autonomous recommendation, it supplements or accedes a

convention which preceded by a very long period of time, and as of July 2004 this convention, number 142, had been ratified by sixty-four countries.

176. Lastly, it is interesting to note that the ILO used the term “social partners” to designate actors, instead of the usual “employers’ and workers’ organizations”, and in the debate of the Human Resources Development Committee this gave rise to a certain amount of confusion. In social theory the term “social partners” carries the connotation of “social dialogue”, which is another new term that has taken over from the traditional word “bargaining”.

But there are other innovations besides this use of novel terminology.

There are also conceptual aspects, like the new role of the State and of the social partners, the fact that the market has been given a more prominent role, and the development of an entrepreneurial spirit and entrepreneurial capacities. All of these involve questions that are part of the current climate in the ILO, and that are in some way reinforced by being recognized in the standards laid down in the new recommendation.

We will look at some of these questions in greater depth in this concluding section of this book.

VI.2 A new role for the State?

177. Two features that recurred time and again in the preparatory documents for the new recommendation were that the relations between the State and the social partners was given a new set of rules as regards the roles that they play and the associations they could develop, and that an unprecedented boost is given to vocational training service providers.

This is very different from Recommendation 150.

In the new instrument we will not find a provision such as that in chapter II, number 4.1 of Recommendation 150: “Members should adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, *in particular through public employment services*” (our emphasis).

There are, on the other hand, many other kinds of formulations in which the roles of each party are made clear.

One example of this is in chapter I, 4b, which establishes that the members

should “recognize that the realization of lifelong learning should be based on the explicit commitment: by governments by investing and creating the conditions to enhance education and training at all levels; by enterprises in training their employees; and by individuals in developing their competencies and careers”.

On the subject of labour guidance, Recommendation 150 says that “Members should gradually extend their systems of vocational guidance”, including continually updated information on employment and the characteristics of occupations. In addition, guidance could include information about collective contracts and the rights and obligations of all interested parties (chapter III, number 7) and should be concerned with “providing, on a continuing basis, broadly conceived and realistic vocational guidance for the various groups of the population in all branches of economic activity” (chapter II, 5.2.b).

In Recommendation 195, on the other hand, the focus is more on procedures. There is a distinct lack of concrete stipulation about what guidance services the State actor should provide. The aim is rather to ensure that people have access to information and guidance, placement services and job-seeking techniques.

This is a very clear change from directly providing a service on the one hand to merely facilitating access on the other.

The new recommendation leaves it to the discretion of each individual country to determine responsibilities and functions in this area, and merely indicates which actors and services should be involved. It says, for example, that the member countries have a duty to “identify, in consultation with the social partners, roles and responsibilities of employment services, training providers and other relevant service providers with respect to vocational and career information and guidance” (chapter VIII, number 15).

Another modality that is used is to recommend certain measures that the member countries should take “in cooperation with” or “with the involvement of” the social partners.

We find this is chapter VI: “Measures should be adopted, in consultation with the social partners and using a national qualifications framework, to promote the development, implementation and financing of a transparent mechanism for the assessment, certification and recognition of skills, including prior learning and previous experience, irrespective of the countries where they were acquired and whether acquired formally or informally” (number 11.1).

178. In any case, the State will continue to have the “primary responsibility” for some training services. These are:

- a) For pre-employment training. The members have to “assume the primary responsibility for investing in quality education and pre-employment training, recognizing that qualified teachers and trainers working under decent conditions are of fundamental importance” (chapter II, 5.d), and also in chapter III, number 8 and chapter V, number 10a.
- b) For training the unemployed: “Members should establish, maintain and improve a coordinated education and training system within the concept of lifelong learning, taking into account the primary responsibility of government for education and pre-employment training and for training the unemployed, as well as recognizing the role of the social partners in further training, in particular the vital role of employers in providing work experience opportunities” (chapter II, number 6.1).

VI.3 Social actors, dialogue and bargaining

179. As a logical consequence of this decentralization that is coming into play for functions that were previously mainly the responsibility of governments, the role of the social partners becomes very important.

Before we look at this question in greater depth we should remember that in the new recommendation the traditional actors in labour relations are called “social partners”. This is a new term in the sphere of ILO standards, and during the debates at the Conference there was some doubt about who exactly it is meant to refer to.

The new term has less explanatory power than “employers’ and workers’ organizations”, the expression that up to that time had always been used in international instruments, but it is undoubtedly clear in this context that “partners” are the same as “organizations”.

At the 92nd meeting of the Conference, in the document “A Fair Globalization”, the Director-General said explicitly that “the ILO’s strengths are the energy and commitment of the social partners; ministries of employment, labour and social affairs, employers’ organizations and unions”.¹⁷⁵

175 Director-General’s Report on the World Commission on the Social Dimension of Globalization: “A Fair Globalization”, p. 55.

As was said in chapter V of this book, at the meeting of the Human Resources Development Committee the traditional ILO terminology was not (re)introduced, in spite of the efforts of the worker members and even of some governments. We should also note that the term “employers’ and workers’ organizations” was not used in the ILO questionnaire that paved the way for the first discussion.

As a consequence, and in spite of the participation granted to partners in training and guidance, we will not see instances of the kind of formulation that figured in Recommendation 150, like: “Members should aim in particular at establishing conditions permitting workers to supplement their vocational training by trade union education given by their representative organisations” (chapter II, number 5.2.i).

180. The instrument is full of examples of the roles the social partners are expected to play.

These actors will be involved on various levels:

- a) as regards pre-employment education and training, members should “(a) recognize their responsibility for education and pre-employment training and, in cooperation with the social partners, improve access for all to enhance employability and to facilitate social inclusion” (chapter III, number 8).
- b) as regards the identification of competencies “Members should: (a) promote, with the involvement of the social partners, the ongoing identification of trends in the competencies needed by individuals, enterprises, the economy and society as a whole” (chapter IV, number 9).
- c) in training and investment, governments should “(b) recognize the role of the social partners, enterprises and workers in training; (c) support initiatives by the social partners in the field of training in bipartite dialogue, including collective bargaining; (d) provide positive measures to stimulate investment and participation in training” (chapter IV, number 9);
- d) in incorporating the unemployed and people with special needs into the labour market (chapter V, number 10).

Although the much-debated involvement of the social partners is one of the main pillars in the structure of Recommendation 195, there is still some doubt about the instruments that can be used.

181. To be more specific, although there is recourse to social dialogue throughout the new recommendation we should not forget that the key controversy and disagreement in the Committee's debates centred on the subject of collective bargaining. In fact, the amendment that was proposed when it came to discussion of number 5f of the recommendation provoked such a negative reaction on the part of the employers that they did not support the instrument as a whole in the plenary session, and they described this provision as "disappointing".¹⁷⁶

Hence there is some degree of legitimate doubt about what the future of social dialogue mechanisms may be, beyond merely constituting a space for exchanging ideas. What is more, we are faced with the paradox that an instrument whose rationale is largely based on participation by the social partners in the most diverse ambits of training and guidance turned out in the end to be approved by only two of the three protagonists in labour relations, because of a failure to reach agreement on an essential point.

VI.4 Training providers and quality: the treatment of the public and private sectors

182. In the light of what has been discussed above, we should also focus on the role allocated to the vocational training market.

The government and the social partners should "promote diversity of training provision to meet the different needs of individuals and enterprises and to ensure high-quality standards, recognition and portability of competencies and qualifications within a national quality assurance framework" (chapter VII, number 13).

The previous provision only went as far as to specify some of the responsibilities of the social actors –unions and employers– and even then only among a series of regulations about the conditions under which training should operate. It even went so far as to establish conformity with the official training system. Recommendation 150 said that "Such policies and programmes should also encourage undertakings to accept responsibility for training workers in their employment. Undertakings should co-operate with the representatives of their workers when planning their training programmes and should ensure, as far as

¹⁷⁶ Provisional Record of the 90th meeting, Geneva, 2004, 26 eighteenth session, pp. 22 and 24. Elsewhere the provision was described as "infamous".

possible, that these programmes are in line with those of the public training system” (chapter II, number 4.5).

In the new recommendation there is no ruling at all about the link between training in enterprises and training that is given officially. Far from it in fact, since very wide margins are granted for training provided by private agents. For these, at most, it is established that quality management development will be promoted, but there is no provision for control of implementation. This is beyond any possible doubt since, as was mentioned above, on the Committee there was a very explicit refusal on the part of the employers and some governments to allow any attempt to bring quality control into the private system. In chapter VII, number 14, clause c) it says that the members should “include quality assurance in the public system and promote its development within the private training market and evaluate the outcomes of education and training”.

There is just one gap in this scenario for promoting the private offer in the training field: some leeway for State intervention is conceded when it comes to setting “quality standards for trainers” (chapter VII, number 14 c).

VI.5 Lifelong learning and labour competencies

183. Although there are traces of what might be called *continuing training* in previous instruments, it is in Recommendation 195 that *lifelong learning* as such appears for the first time, and in fact it is one of the main points in the instrument.

It is defined in chapter I, number 2 as encompassing “all learning activities undertaken throughout life for the development of competencies and qualifications”. “Labour competencies” is a term that can have a wide range of meanings. In Recommendation 195 it is defined in a very interesting and precise way in that it “covers the knowledge, skills and know-how applied and mastered in a specific context”.

184. The valuation of labour competencies is closely linked to the recognition and certification of vocational skills.

There are almost no references to this subject in Recommendation 150.

There is a mention in chapter IV B of “Vocational Training Standards and Guidelines” where we read “Standards covering the same occupations should be

co-ordinated in order to facilitate job mobility, with full recognition of the qualifications already held and of work experience in the occupation” (number 25.2).

The fact that there is no provision in Recommendation 150 about the acquisition of knowledge and skills through work practice and experience means that no reference at all is made to vocational certification in that instrument.

In Recommendation 195, on the other hand, it is said that, in consultation with the social partners, measures should be adopted for the evaluation, certification and recognition of vocational skills, including those acquired through prior learning and experience. There is no specific definition of the nature of these “national certification frameworks”, and this is because of the difficulties involved in capturing the great diversity of experiences in different parts of the world that there are in this field, and because many countries refuse to set up a single unified way to institutionalize certification.

VI.6 An important neologism: “entrepreneurship”

185. In Recommendation 150 there are no references to developing entrepreneurial capabilities, so what appears on this subject in Recommendation 195 is entirely new.

In the former instrument there was a chapter about “Training for Managers and Self-Employed Persons” (chapter V, numbers 29-31). In fact, there was resistance to this by the worker members, who argued that “the vocational training of supervisors and even more of management fall outside the scope of this instrument and should be considered separately”.¹⁷⁷

But in any case it was a specific standard for a special kind of worker (supervisors) and it had to do with their functions in the enterprise.

The approach in Recommendation 195 is quite different. There is no attempt to distinguish workers’ responsibilities, instead there has been a direct move into the field of entrepreneurial training itself.

186. On the other hand, Recommendation 195 does not contain provisions about self-employment while in Recommendation 150 (chapter V, number 31) there were provisions that dealt with this subject.

| 177 Provisional Record of the 60th meeting of the International Labour Conference, p. 555.

187. The inclusion of the concept of entrepreneurial training is in the chapter on vocational guidance. We read that governments should “provide information and guidance on entrepreneurship, promote entrepreneurial skills, and raise awareness among educators and trainers of the important role of enterprises, among others, in creating growth and decent jobs” (chapter VIII, number 15.d).

It says that international cooperation should “promote the development of entrepreneurship and decent employment and share experiences on international best practices” (chapter X, number 21.d).

While entrepreneurial training may be an innovation in Recommendation 195 with respect to its predecessor in the human resources development area, it is not so new with respect to other recent ILO documents.

Entrepreneurial training and the development of the entrepreneurial spirit feature in the Decent Work Program geared to “working out of poverty”, which was launched by the Director-General of the ILO.¹⁷⁸ In fact, in the Director-General’s report, there is a programme for governments to hold talks on a national level with the social partners and thus explore ways of providing an escape from poverty through work. The subjects that are defined include gender equality, social protection, rights and labour legislation reform, social dialogue, the setting up of associations, employment and enterprise development.

On this last point, there are a series of provisions about aspects like the quality of education and training systems, the evaluation of the conditions under which micro-enterprises operate and of the measures needed to help this sector make progress and provide employment for more people and under improved conditions, financial services in poor locations for small enterprises, the promotion of technological development, and so on.

The basis for this is that “most jobs are created in small enterprises so attention should be focused at the end of the production chain, to help these enterprises respond to global opportunities”.¹⁷⁹ In addition, and because it is essential to be able to assess “not only the quantity but also the quality of the employment created”, this calls for “a strengthening of the ILO’s work on entrepreneurship, enterprise growth and employment creation”. The Director-General’s report says that in this effort a suitable framework for proprietorship and social rights should

178 See the Director-General’s Report at the 91st meeting of the International Labour Conference.

179 See the above-cited Director-General’s Report on the Social Dimension of Globalization, called “A Fair Globalization”, p. 25.

be provided, and also support for associations, cooperatives and other measures aimed at overcoming informality.

There are references to entrepreneurship or the spirit of enterprise in other ILO instruments. In the Job Creation in Small and Medium-Sized Enterprises Recommendation (No. 189), 1998, it says that “Members should adopt measures which are appropriate to national conditions and consistent with national practice in order to recognize and to promote the fundamental role that small and medium-sized enterprises can play as regards (...) stimulating innovation, entrepreneurship, technology development and research”.

In other provisions there are recommendations to take measures to promote efficiency and competitiveness in enterprises, to remove obstacles, and especially to foster an entrepreneurial culture (chapter III). In the context of training, the members should consider “pursuing the development of entrepreneurial attitudes, through the system and programmes of education, entrepreneurship and training linked to job needs and the attainment of economic growth and development, with particular emphasis being given to the importance of good labour relations and the multiple vocational and managerial skills needed by small and medium-sized enterprises”.

The Promotion of Cooperatives Recommendation (No. 193), 2002, says that in order to promote the development of cooperatives and those who belong to them, the members should “develop their business potential, including entrepreneurial and managerial capacities”.

VI.7 The complementarity or autonomy of the new recommendation: a complex interconnection with Convention 142

188. As was mentioned above, the replacement of Recommendation 150 leaves Convention 142 with a new recommendation that is supposed to support it, but which only came into being twenty-nine years after it was written.

The reasons why Recommendation 150 has ceased to be relevant when it comes to regulating human resources development and training were dealt with at length in chapter 4 of this book, and they do not seem to support a move to revise the convention.

In the final paragraph of the resolution about human resources development that was adopted at the 88th meeting of the International Labour Confer-

ence it says that “Recommendation No. 150 should be revised in order to reflect the new approach to training. Although some aspects of the Recommendation are still valid, others have lost their relevance. There is a need for a more dynamic instrument that is more applicable and used by member States and the social partners in formulating and implementing human resources development policies, integrated with other economic and social policies, particularly employment policies. ”

And the document concludes “A new recommendation should be complemented by a practical guide and database that can be renewed on a continuous basis by the Office as part of its normal work.”

189. One interesting aspect of the situation that stands out is that while Recommendation 150 may be obsolete, it turns out that as time passed and social and economic conditions changed –which is what led to its obsolescence– these changes have not affected Convention 142, which deals with the same subjects and was adopted at the same meeting of the International Labour Conference.

There is no satisfactory explanation as to why different criteria are used for this evaluation of the group of standards that deal with human resources development and training. If the recommendation is in fact out of date, and if effectively –like all such recommendations– it supports and develops the principles and standards in a convention, in this case Convention 142, there should not be any difference in the way the situation is addressed, so there is a price to pay: the body of international rules and regulations becomes less coherent.

190. Apart from considerations about the different ways in which change has affected the two instruments and about the need for internal consistency in the legal system, there is also the question of whether it is possible for Convention 142 to be efficacious and amenable to implementation through recommendations that embody very different perspectives and solutions.

We also have to ask whether the countries that have ratified Convention 142 should be guided by the provisions of Recommendation 195.

If the complementary recommendations are instructions and guidelines for the member States when the time comes to apply the standards in conventions, which are of a higher order of obligation, it is not easy for Convention 142 to be so flexible as to be amenable to application in harmony with the guidelines in Recommendation 150 and at the same time in harmony with the very different guidelines in Recommendation 195.

Since conventions carry the force of obligation once they have been ratified, and recommendations are guidelines as to how they should be executed by “national legislation or otherwise” (article 19.6.a of the Constitution), it is obvious that if the two instruments contradict each other no country that has ratified Convention 142 will be able to apply Recommendation 195 when it comes to these conflicting points.

This is a complicated question because Recommendation 195 is not an autonomous instrument like, for example, Recommendation 117 concerning vocational training. It is complementary to Convention 142, and in its own preamble the legal force of that convention is noted. But if the recommendation contains solutions that are more modern and more tailored to a world that everyone acknowledges to have changed enormously since 1975, we would be faced with an unprecedented situation in which *in fact* (but not *in law*) a standard (a convention) that has greater legal force than the subsequent standard (a recommendation) would be replaced by it. Logically, therefore, countries that have not ratified Convention 142 might find better solutions in Recommendation 195, and this could turn into a factor that inhibits future ratifications of the Convention.

When we go deeper into this question we find that it is precisely in this area of the putting training and labour guidance policies, programmes and systems into practice that the recommendation turns out to be more relevant than the convention. This will surely trigger off a dynamic which will make it even easier to execute by implementation in the “form of law” or by adopting “other measures” (article 19.6.b of the ILO Constitution). Hence it is no surprise, if we follow this reasoning, that Convention 142 might run into greater problems as regards ratification and could even be censured, because Recommendation 195 is not only more modern and tailored to current realities but also more flexible and, since it lacks the force of an obligation, involves making fewer firm commitments.

As was said above, the other alternative is also complex. The countries in which Convention 142 already has the force of law will run into difficulties when it comes to applying some of the main guiding principles in Recommendation 195. The differences between the two instruments will be explored in greater depth below.

191. But we should first examine some points about the legal validity of these two instruments.

We can note, for example, that the resolution about human resources development at the 88th Conference concludes with an observation that the recommendation could be supported by a “practical guide and database”.

Recommendations about recommendations, additions to flexible norms that end up establishing a mechanism similar to the two-sided model of convention and recommendation.

This proposal was made in 2000. At that time nobody anticipated the subsequent difficulties it might lead to, but it can be interpreted today in a way that complicates the difficult task of establishing coherence between Convention 142 and Recommendation 195.

First a recommendation, and then a list of recommendations about the recommendation? Would this not in fact amount to subtly establishing the criteria of extreme flexibility in international standards, in the name of bringing the instrument up to date?

192. There remains one unavoidable question that has not yet been asked, and it does not have an easy answer: Why was it not Convention 142 that was changed?

It is clear that the answer to this has more to do with aspects of the ILO's standards policy than with vocational training itself.

193. And there is one last point to consider, the question of compatibility between the actual content of the convention and that of the recommendation.

Our analysis of the changes in the new recommendation with respect to its predecessor will also serve when we come to compare it with Convention 142.

The State is given a bigger role in the field of guidance and training in the convention than in the new recommendation.

In article 1 of Convention 142 it says that “Each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, *in particular through public employment services*” (our emphasis), but naturally, this reference would not figure in an instrument like the new recommendation that grants extensive participation to the social partners and private sector. In fact, in the recommendation, governments “should” above all else create an economic environment and incentives that will encourage individuals and enterprises to participate in training (numbers 5 a and b).

In addition, bearing in mind the Private Employment Agencies Convention of 1997 (No. 181), there is no doubt that the regulations in employment services today are more flexible than in the past. This explains why references in the recommendation to employment services do not mention the public system at all (number 15 c).

194. The aspects of training policies to be taken into account are also very diverse. Although article 1.2 of the convention refers to employment and economic, social and cultural goals, we should note that number 3 of the recommendation (also) includes lifelong learning, decent work, public and private investment, labour competencies, and the informal economy, all of which are conceptually new with respect to the previous instrument.

195. The right to vocational training is very clearly laid down in item number 4 of the new recommendation, and in the same provision there is a list of the various functions that the State and the social partners have to assume as regards lifelong learning. This whole concept is entirely new insofar as it does not feature in the convention at all.

196. Another area in the recommendation that does not feature in the convention is the valuation of labour experience and competencies, and the certification and recognition of vocational skills including prior learning and experience.

197. Lifelong learning is a central theme in the recommendation. We read in number 6.1 that “Members should establish, maintain and improve a coordinated education and training system within the concept of lifelong learning”, which involves well-defined guidance of the systems. The convention, on the other hand, merely states that all members “shall establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it.”

According to the article 3 of the convention, guidance systems will be in the hands of governments, but in the recommendation the member States merely have to ensure access, which does not necessarily mean they will have to take charge of the services (number 15 a), and there are other innovations like entrepreneurial training guidance and the promotion of entrepreneurial skills (number 15 d).

198. The situation is similar when we come to the question of training. In the convention, article 4 states that “Each Member shall gradually extend, adapt and harmonise its vocational training systems”, but, at the other extreme, number 13 of the recommendation stipulates that “Members should, in cooperation with the social partners, promote diversity of training”.

Another difference is that the involvement of “employers’ and workers’ organizations” as laid down in the convention is changed in the recommendation to the involvement of “partners and other interested parties”. In the convention the member States should establish guidance and training policies and programmes in cooperation with the social partners, but in the recommendation the members are required to determine, in consultation with the partners, the functions and responsibilities of employment services, training providers and other service providers in the area of vocational information and guidance (number 15 c).

Annexes

- I. GB.271/4/1. Extract from the report of the 271st meeting of the Governing Body of the ILO, Geneva, March, 1998. Order of the day of the 88th meeting of the International Labour Conference (2000).**
- 1. Human resources training and development: Vocational guidance and vocational training**

Summary

It is proposed that a general discussion on the topic of human resources training and development be placed on the agenda of the International Labour Conference at its 88th Session in 2000 with a view to the possible elaboration of a new instrument by the Conference at its 89th Session in 2001. The proposal is the outcome of discussions in the Governing Body, comments received from member States regarding possible items that could be discussed at future Conferences, and preliminary research undertaken by the Office to assess whether the Human Resources Development Convention, 1975 (No. 142), and its accompanying Recommendation (No. 150), adequately address contemporary issues of training policy and system reform in member States. The findings of these activities suggest that Convention No. 142 may not need to be revised for the time being. Conversely, the Recommendation has been overtaken by economic and social developments during the last two decades. It offers insufficient guidance to countries that engage in training policy and system reforms. The purpose of the general discussion proposed for the Conference in 2000 is therefore to consider new requirements for training policy and, on that basis, to guide the Office in preparing new standards that could be submitted for a possible adoption at its 89th Session in 2001.

Human resources training and development in the context of an increasingly integrated world economy

13. Globalization provides new opportunities and poses risks for workers, enterprises and the economy as a whole. To seize the opportunities and to alleviate the risks, a policy response is required that includes human resources training and development as one of its key components.

14. The liberalization of trade, investments and capital flows are making the world economy increasingly integrated. With the growth of global production systems, there has been a marked increase in intra-firm trade in intermediate products, subcontracting, licensing, franchising and outsourcing arrangements across national frontiers. The pace of technological change and product obsolescence are shortening product life-cycles and inducing enterprises to introduce flexible production systems, such as flexible automation and small batch production, in order to remain competitive in international and domestic markets. The forthcoming issue of *World Employment* for 1998-99, with the theme of "Training for Employment", will analyse these trends and their implications for training policies and systems worldwide.

15. The move towards more flexible production systems involves a change in the organization of work. Responsibility and decision-making are increasingly devolved to employees, who often work in teams. Flat corporate hierarchies, interdepartmental collaboration, teamwork and rewards for innovation are the code words for rapid response to changes in market demand.

16. Flexible production systems and new patterns of organizing work offer an advantage to workers who have a good basic education and are trainable and versatile in multiple technical skills, but also possess the communication and behavioural skills necessary to work in a team and can think logically and solve problems.

17. Meanwhile, technological innovation is also having an impact on work and skills in major sectors other than manufacturing, such as agriculture, infrastructure and services (banking, transport, communications, and governmental services). Together with the informal sector in developing countries, these sectors continue to account for the bulk of the employed labour force. In these sectors, linked to manufacturing, the removal of bottlenecks and improvements in efficiency by tapping new technologies can improve productivity while offering scope for employment generation. Training to meet new skill requirements in these sectors will therefore loom importantly in countries' efforts to seize the opportunities that globalization offers.

18. However, competition on a global scale may also contain dangers for labour as enterprises endeavour to minimize costs, for example through corporate restructuring, downsizing and outsourcing, and through the accompanying growth of non-standard forms of work, such as part-time and temporary work. The spectre of insecurity and unemployment affects, in particular, women, unskilled workers and those whose skills are becoming obsolete as technology changes.

19. It is widely held that work and employment become increasingly knowledge- and skill-intensive as national economies and enterprises pursue the goals of increased productivity and competitiveness. Employment outcomes tend to become more and more determined by the skills and knowledge individuals possess. As globalization gathers pace, countries endeavour to improve the *efficiency* of the labour force while ensuring *equality of access* to human resources training and development and particular support to disadvantaged groups in society, such as the long-term unemployed and displaced workers. In particular, older and poorly educated workers may find it difficult to adapt to the new and higher skills demanded in the job market. A major challenge is to find adequate solutions for such workers to maintain their employability and to enable them to make a

decent living, solutions which may include training and retraining. The achievement of the efficiency and equity goals of training will demand increased collective and individual investments in human resources training and development in the context of training policy and system reforms.

Towards training policy and system reform

20. Many countries are starting to implement far-reaching reforms to make human resources training and development respond more effectively and equitably to the challenges of globalization. Human resources training receives increasing attention in the media, policy statements and public awareness.

21. The reforms launched in both industrialized and developing countries have several common threads. A major task is to develop a common vision among major stakeholders (i.e. the State and the social partners, but also other organizations and individuals representing civil society) of human resources training and of the development of the challenges and opportunities that lie ahead. As the State retreats from its former role as a major financier and purveyor of training programmes, the challenge is to forge a new partnership between the State, the enterprise sector, trade unions and other stakeholders in training. The partnership comprises three major areas: training policy and system development; the financing of training; and delivery of training programmes. In all these areas multipartite dialogue is the means to achieve consensus on the national training effort and increase the resources allocated to it.

22. The second major element of reform is the construction of a policy and institutional framework for the initial and continuous training of the workforce in response to economic and social change. Subsequent to educational reforms, young people today are increasingly educated. At the same time, many traditional, low-skilled entry-level jobs have disappeared. Reforms have therefore focused on programmes to combat youth unemployment by means of training and creating the conditions and mechanisms that will ensure a smooth transition for young people from school to work. Countries are also moving towards a system of *continuous training* while exploiting the opportunities offered by the *training market*. Continuous training is seen as a major instrument to help workers adapt to new skill requirements and enterprises to become more competitive in increasingly integrated world markets. Today, both individuals and enterprises consider training to be an *investment in human resources*.

23. However, despite much rhetoric about the need for increased investment in both initial and continuous training, the actual volume of training has often been inadequate in preparing the workforce for the challenges that lie ahead. Public spending controls and enterprise restructuring have reduced the resources allocated to training or targeted them in such a way that available resources do not reach everyone in a satisfactory and equitable manner. Often, the most disadvantaged groups see their access to training and training resources made increasingly difficult, thus accelerating their exclusion process. The challenge of diversifying and enlarging the resource base for training is a political, economical and social issue. The increased flexibility of labour markets and uncertainties in national economies also pose new challenges in terms of incentives and returns on investment made for training at all levels: the individual, the enterprise and the State. This problem needs to be addressed through the development of a new vision of shared

investment between the State, the enterprise and the individual, each with its complementary objectives and values, in order to build a better equilibrium and improve access at all levels to the continuum represented by education, initial training and lifelong training.

The contribution of human resources training and development to economic growth with equity

24. Training can play a major role in promoting economic growth with equity; it benefits both individuals and enterprises and the economy and society at large; and it can make labour markets function better.

25. Training helps *individuals* develop their capabilities and upgrade their skills and is a crucial source of flexibility and adaptability in today's rapidly changing labour markets. Training improves their prospects of finding and retaining a job; improves their productivity at work, their income-earning capacity and living standards; and widens their career choices and opportunities. By reducing social vulnerability and exclusion, human resources training contributes to equity of access to employment. *Enterprises* also benefit, as training improves workers' productivity and raises competitiveness and profits. The *economy* benefits from training, by making it more productive, innovative and competitive. Training can help remove skill mismatches by sector, region and occupation. Rapid economic growth and social progress in many countries have been invariably accompanied by large investments in education and training. Certification and recognition of skills and competencies gained after training provide both employers and workers with valuable information that makes *labour markets* function more efficiently. Finally, training provides an important contribution towards a cleaner environment by responding to skill demands associated with improving environmental standards in the production of goods and services.

26. Human resources training and development can thus significantly contribute to economic growth with equity. However, human resources development cannot achieve this objective on its own, but must constitute an integral element of economic and social policies, including macroeconomic policies, that promote employment-based and equitable economic and social development.

ILO standard-setting activities in the area of human resources development

27. The major ILO instruments in the area of human resources development and training are Convention No. 142 and Recommendation No. 150. They tend to cover the totality of aspects concerning vocational training and guidance at various levels and have replaced the Vocational Training Recommendation, 1962 (No. 117), which had itself replaced a series of specific standards developed since 1939, particularly the Vocational Training Recommendation, 1939 (No. 57), the Apprenticeship Recommendation, 1939 (No. 60), and the Vocational Training (Adults) Recommendation, 1950 (No. 88).

28. Many other instruments also recognize the contribution of training and guidance to the pursuit of employment, working conditions and equitable treatment and some are closely related, including: the Paid Educational Leave Convention, 1974 (No. 140),

and Recommendation (No. 148); the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and Recommendation (No. 168); the Minimum Age Convention, 1973 (No. 138); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation (No. 111); the Employment Policy Convention, 1964 (No. 122); and the Equal Remuneration Convention, 1951 (No. 100), and Recommendation (No. 90).

29. Recent discussions in the Governing Body on future standard-setting activities suggest that human resources development and training receive top priority and that the instruments on human resources development, particularly Recommendation No. 150, be modernized and adapted to socio-economic developments and changes in training policies, and in training and vocational guidance systems organization and practices, together with a reinforcement of technical assistance to promote their application. Several national studies completed during the last biennium (1996-97) also drew this conclusion, and they constitute, with other regular programme research outputs, a strong basis for the preparation of a discussion paper on these issues to be presented to the Conference in 2000 for a general discussion on human resources development and training. This was confirmed during the 270th Session in November 1997 of the Governing Body when the draft portfolio was discussed. The proposal on human resources development was selected with the support of employers, workers and 19 governments.

30. Adopted in 1975, Convention No. 142 and Recommendation No. 150 mirror the prevailing economic and social conditions of that period. Then, most countries pursued planned economic, social and industrialization policies, the information technology revolution was still in its infancy, work organization in enterprises was largely based on Taylorist principles, and the labour force was employed in secure wage jobs. While Convention No. 142, which is rather general, can still be regarded as valid, Recommendation No. 150 is clearly outdated.

31. Recommendation No. 150 reflects the planning paradigm of that period, while giving little room for demand and labour market considerations; it provides little or no guidance on many issues that, nowadays, are central to training policy and system reforms being undertaken by member States at present. These issues comprise, for example, the policy, governance and regulatory framework of training; the respective role of other stakeholders than the State, e.g. the private sector, the social partners and civil society, in policy formulation and training delivery; the scope and mechanisms for diversifying and tapping alternative sources of financing training; devising appropriate mechanisms and methods to target training programmes at particular groups; the shift away from training for “qualifications” towards the development and recognition of “competencies” that comprise a wide range of work-related knowledge, technical and behavioural skills, and attitudes; and the increasing need to focus skill development activities on preparing workers for self-employment and the informal sector.

Suggested issues for a general discussion

32. Should the Governing Body decide to include an item on human resources training and development on the agenda of the Conference for a preliminary general discussion, the following issues could be topics that the Conference may wish to address:

- What role can/should human resources training and development play in promoting economic and social development; specifically in what way, and to what extent, could they help to eliminate unemployment, poverty and social exclusion; and improve productivity and enterprises' competitiveness?
- What is the most appropriate policy and institutional framework to ensure access for all workers to human resources training and development? What should an incentive policy for training rely on? What role should the various partners play, particularly governments, employers' and workers' associations and other new emerging partners at decentralized and sectoral levels? What role should be given to training legislation, collective agreements and individual employment contracts?
- What role should the enterprise play in initial and continuous training and in building up its human resources in order to make it more productive and competitive?
- Under what institutional, contractual and financial arrangements would workers be ensured access to continuous training during the span of their working life?
- What policy and institutional arrangements would ensure that human resources training and development constitute an effective instrument for the inclusion and integration of vulnerable groups into employment rather than exacerbating existing inequities in access to training and employment?
- What place should be given to employment and training guidance, how should it be organized, and which partners should be involved?
- What should possible new standards emphasize about labour market and training information that would improve decision-making in training and motivate individuals and enterprises to invest in training?
- What should possible new standards emphasize with regard to *competencies*, their certification and recognition, and ensuring the quality of the training supply?
- What contribution and place should *new information and communication technologies* have in training and vocational guidance?

33. In conclusion, it is suggested to hold a general discussion at the International Labour Conference in 2000 on the topic "Human resources training and development" that could guide the Office in the preparation of possible new instruments. Should it be decided, a new Recommendation could be prepared under a single discussion procedure for adoption at the 89th Session of the International Labour Conference in 2001. This would not preclude the Conference from deciding on the elaboration of new instruments in the form of a Convention and/or Recommendation under the regular double discussion procedure. In the event that the present proposal would be placed on the agenda for the Conference in 2000, the Office would reprogramme activities in order to undertake the required preparatory work during the present (1998-99) biennium.

II. Resolution concerning human resources training and development at the 88th meeting of the International Labour Conference (2000)

The General Conference of the International Labour Organization, meeting at its 88th Session, 2000,

Having undertaken a general discussion on the basis of Report V, “Training for employment: Social inclusion, productivity and youth employment”;

Adopts the following conclusions and invites the Governing Body to request the Director-General to give due consideration to them for the future work of the Office and to take them into account when preparing the programme and budget for the 2002-03 biennium.

Conclusions concerning human resources training and development

1. A critical challenge that faces human society at the start of the twenty-first century is to attain full employment and sustained economic growth in the global economy and social inclusivity. The ILO's framework of decent work addresses both the quality and quantity of employment and provides a basis for new education and training policies and strategies. Human resources development, education and training contribute significantly to promoting the interests of individuals, enterprises, economy and society. By making individuals employable and informed citizens, human resources development and training contribute to economic development and to achieving full employment and promoting social inclusion. They also help individuals to gain access to decent work and good jobs, and escape poverty and marginalization. Education and skills formation could lead to less unemployment and to more equity in employment. The economy and society at large, like individuals and enterprises, benefit from human resources development and training. The economy becomes more productive, innovative and competitive through the existence of more skilled human potential. Human resources development and training also underpin the fundamental values of society – equity, justice, gender equality, non-discrimination, social responsibility, and participation.

2. Technological changes, changes in financial markets, the emergence of global markets for products and services, international competition, dramatic increases in foreign direct investment, new business strategies, new management practices, new forms of business organization and of the organization of work are among the more significant developments that are transforming the world of work. Many of these developments are also components of globalization which is the name given to the various processes producing the dramatically increased integration of economic activity in the world today. These developments offer both opportunities and challenges for enterprises, workers and countries. For enterprises increased competition has meant more winners and losers. For countries globalization has increased both national development and disadvantages as globalization has exacerbated differences in the relative advantages of countries. For some workers these developments have resulted in career opportunities or successful self-employment, improved living standards and prosperity but for other workers they have resulted in job insecurity or unemployment, declining living standards and poverty. Many of these developments are dramatically increasing the importance of the application of human knowledge and skills to economic activity. Human resources devel-

opment, education and training are necessary and essential elements required to take both full advantage of the opportunities and to rise to the challenges of these developments for enterprises, workers and countries. There is a growing recognition that globalization has a social dimension that requires a social response. Education and training are components to both the economic and social response to globalization.

3. Education and training cannot alone address this challenge, but should go hand-in-hand with economic, employment and other policies to establish, in an equitable manner, the new knowledge and skills-based society in the global economy. Education and training have distinct but converging outcomes as society is changing. They have both a dual rationale: develop skills and knowledge that will help countries, enterprises and individuals utilize the new opportunities *and* enhance the employability, productivity and income-earning capacity of many population groups that have been adversely affected by globalization and changes in society at large. Education and training are necessary for economic and employment growth and social development. They also contribute to personal growth and provide the foundation of an informed citizenry. Education and training are a means to empower people, improve the quality and organization of work, enhance citizens' productivity, raise workers' incomes, improve enterprise competitiveness, promote job security and social equity and inclusion. Education and training are therefore a central pillar of decent work. Education and training help individuals become more employable in rapidly changing internal and external labour markets.

4. Human resources training and development are fundamental, but are by themselves insufficient to ensure sustainable economic and social development, or resolve the aggregate employment challenge. They should be coherent and form an integrated part of comprehensive economic, labour market and social policies and programmes that promote economic and employment growth. Policies that expand aggregate demand in the economy such as macroeconomic and other measures must be combined with supply-side policies, e.g. science and technology, education and training, and industrial and enterprise policies. Appropriate fiscal policies, social security and collective bargaining are among the means to distribute these economic gains on a fair and equitable basis, and constitute basic incentives to invest in training. Pursuing these integrated policies requires consideration of a new financial and social architecture for the global economy, a subject for ILO research.

5. It is the task of basic education to ensure to each individual the full development of the human personality and citizenship; and to lay the foundation for employability. Initial training develops further his or her employability by providing general core work skills, and the underpinning knowledge, and industry-based and professional competencies which are portable and facilitate the transition into the world of work. Lifelong learning ensures that the individual's skills and competencies are maintained and improved as work, technology and skill requirements change; ensures the personal and career development of workers; results in increases in aggregate productivity and income; and improves social equity. Both in developed countries as well as in developing countries there are many workers without the basic skills for literacy and numeracy. National and international strategies have to be developed to eliminate illiteracy, based on concrete targets, benchmarks and quality assessment.

6. Education and training of high quality are major instruments to improve overall

socio-economic conditions and to prevent and combat social exclusion and discrimination, particularly in employment. In order to be effective they must cover everyone, including disadvantaged groups. Therefore, they must be carefully targeted at women and persons with special needs, including rural workers; people with disabilities; older workers; the long-term unemployed, including low-skilled workers; young people; migrant workers; and workers laid off as a result of economic reform programmes, or industrial and enterprise restructuring. In addressing the needs of these groups, particularly of young people, access to a combination of formal, off-the-job, and workplace learning should be systematically offered and developed as it provides for effective learning outcomes and increases the chance of entering the labour market.

7. Training can be one of the instruments that, together with other measures, address the challenge of the informal sector. The informal sector is not a sector in the traditional sense of economic classification but a name given to the economic activity of persons in a variety of situations, most of which are survival activities. Informal sector work is unprotected work that is, for the most part, characterized by low earnings and low productivity. The role of training is not to prepare people for the informal sector and keep them in the informal sector; or to expand the informal sector; but rather it should go in conjunction with other instruments, such as fiscal policies, provision of credit, and extension of social protection and labour laws, to improve the performance of enterprises and the employability of workers in order to transform what are often marginal, survival activities into decent work fully integrated into mainstream economic life. Prior learning and skills gained in the sector should be validated, as they will help the said workers gain access to the formal labour market. The social partners should be fully involved in developing these programmes.

8. Education and training are a right for all. Governments, in cooperation with the social partners, should ensure that this right is universally accessible. It is the responsibility of all persons to make use of the opportunities offered. Free universal, quality public primary and secondary education must be made available to all children, and they should not be denied sustained access to education through child labour. Education cannot be separated from training. Basic and secondary education is the foundation on which an effective vocational education and training system should be built. Good quality basic education and initial training, availability of adult and second chance education, together with a learning culture, ensure high levels of participation in continuous education and training. Qualified teachers and trainers are the fundamental key to providing quality education for helping children and adults reach high standards in academic and vocational competencies. Their recruitment, remuneration, education, training and retraining, assignment and provision of adequate facilities are critical elements of any successful educational system.

In addition to education and training, career guidance and job placement services (career development services) embracing career education, career counselling, employment counselling and educational, vocational and labour market information, all have a crucial role to play in human resources development. The fostering of a career development culture throughout education, training systems as well as employment services is a means to promote continuous learning. The development of this culture among youth and adults will be of particular importance for ensuring their employability and facilitating their transition from education and training to work or further training.

9. Employability is defined broadly. It is a key outcome of education and training of high quality, as well as a range of other policies. It encompasses the skills, knowledge and competencies that enhance a worker's ability to secure and retain a job, progress at work and cope with change, secure another job if she/he so wishes or has been laid off, and enter more easily into the labour market at different periods of the life cycle. Individuals are most employable when they have broad-based education and training, basic and portable high-level skills, including teamwork, problem solving, information and communications technology (ICT) and communication and language skills, learning to learn skills, and competencies to protect themselves and their colleagues against occupational hazards and diseases. This combination of skills enables them to adapt to changes in the world of work. Employability also covers multiple skills that are essential to secure and retain decent work. Entrepreneurship can contribute to creating opportunities for employment and hence to employability. Employability is, however, not a function only of training – it requires a range of other instruments which results in the existence of jobs, the enhancement of quality jobs, and sustainable employment. Workers' employability can only be sustained in an economic environment that promotes job growth and rewards individual and collective investments in human resources training and development.

10. There is tripartite and international consensus about guaranteeing universal access of all to, and increasing and optimizing overall investment in, basic education, initial training and continuous training. Discrimination which limits access to training should be combated both by anti-discrimination regulations as well as by common action of social partners. These principles have been endorsed already in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body, 1977. The Committee endorsed the core commitments made in the Cologne Charter of the Group of Eight leading industrialized nations (G8) in 1999 calling for renewed commitment of all partners to lifelong learning: "... by governments, investing to enhance education and training at all levels; by the private sector, training existing and future employees; by individuals, developing their own abilities and careers". However, structural adjustment programmes, restrictive fiscal policies, low wages, debt repayment obligations, decline of development assistance flows, competitive price pressures on enterprises and lack of resources of large sections of the population in a number of cases induce governments, enterprises and individuals to under-invest in education and training. Furthermore, market uncertainties, poaching of skills by other enterprises and the growth of insecure forms of work and consequential high turnover of staff may reduce enterprises' incentives to invest in training. This is especially true for the least developed countries, most of which are in Africa, given their dire socio-economic situation. The culture of developing, on a continuous basis, individual and collective skills for enhanced productivity and employability in a rapidly changing environment has to be improved further.

11. The cost of education and training should be seen as an investment. Increasing this investment can be fostered by recognizing that investing in education and training can be a shared responsibility of both the public and private sector. Government must always assume the primary responsibility for investing in basic education and initial training, and it should also invest in other forms of training. Government must also share the greatest responsibility for investments directed at groups where combating social

exclusion or discrimination is an important objective. With respect to the responsibility of individuals, the government must also share responsibility in order that access not be denied on financial grounds and to the detriment of the broader interest of society. Government, as an employer, must also assume responsibility to invest in training. With respect to the private sector, the responsibilities of both enterprises and individuals should be recognized and, where appropriate, encouraged. These responsibilities are especially appropriate with respect to investment in workplace-based and continuous education, which can raise workers' employability and the competitiveness of enterprises. The organization and implementation of private sector responsibilities in this area can best be accomplished through partnerships between the government and enterprises, between government and the social partners or between the social partners. Ensuring increased investment for SMEs is especially suitable to a partnership approach.

12. There is no universal model of investing in training. Governments should create a general economic environment and incentives conducive to encourage individuals and enterprises to invest individually or jointly in education and training. This investment and the responsibility for it should generally be determined by the objectives of training, e.g. individual, enterprise or societal objectives. Countries can use different ways and means to foster investment in training and increase resources for training. Enterprises have a critical role to play in investment in training. A number of mechanisms used in combination to further investment in training and to guarantee access are required. These may include levy systems on enterprises accompanied by public grants, establishment of training funds, various incentives for training and learning, e.g. tax rebates, training credits, training awards, individual training accounts, collective and individual training rights, sabbatical leave, collective training agreements and emulation of national and international best practices of investing in training. The chosen mechanisms should take into account the special needs of the SMEs. Where levies are the chosen mechanism for funding training, the governance of funding distribution should be tripartite, or where these are agreed by the social partners, such governance should be bipartite. Decisions regarding government policies on education and training should be based on genuine tripartite dialogue and give the tripartite partners the opportunity to develop the best ways and means to increase investments in training. Measures such as the provision of childcare facilities are needed to facilitate access to training.

One means of encouraging countries and companies to increase current efforts to invest in training and to provide a measurable and comparative basis towards which we can all endeavour is to develop benchmarks. The ILO should develop a database on current expenditures on vocational and continuing training, and suggest a series of benchmarks on investment in training, possibly differentiated for different regions of the world, size of companies or sector of industry, as a mirror and point of orientation for countries, sectors, and companies.

13. Flatter hierarchical structures, and devolved decision-making, initiative and control, also widen the need for higher-level skills and training, and result in increased responsibility for workers. ICT is accelerating these management trends and changes in the world of work in general.

ICT has the potential to improve enormously people's access to quality education and training, including in the workplace. There is however a danger that these technologies may create a "digital divide" and worsen existing inequalities in education and train-

ing between urban and rural areas, between rich and poor, between those who possess and those who lack literacy and numeracy skills and between developed and developing countries. Countries should expand their investment in the infrastructure needed for use of ICT, in education and training hardware and software, and in the training of teachers and trainers. Such investments should be undertaken by both the public and private sectors, and make use of collaborative local, national and international networks. Governments may also provide incentives for the private sector and individuals to encourage computer literacy and to develop new communication skills. New modes and methods need to be deployed for training and learning when using ICT.

Distance-learning methods can be used to make training available at convenient times, at accessible places or at reduced costs. Distance learning should not replace all other learning or teaching methods but can be a valuable part of the total teaching tools available. Distance learning should, as far as possible, be combined with traditional training methods in order to avoid a sense of isolation of the learner. The social framework for training needs to be adapted to these new forms of training.

14. The many driving forces, as mentioned in paragraph 2, have a significant impact on organization and working methods of companies. Also, new sectors are emerging, many of them based on the use of ICT products and services, including the Internet. All this increases demand for new skills and competencies, including personal skills and ICT competencies. Education and training need to respond to these new demands, both those related to ICT and those related to changing work organization.

15. Electronic networking provides opportunities for learners to assist each other more actively, for learners to be more active in the training and education process, and for formal and non-conventional teaching methods to be utilized. In order to apply ICT in training, trainers must master these technologies and be systematically trained. Teaching methods need to be updated to accommodate the teaching of new developments in ICT, new types of organization of schools should be devised to take full advantage of ICT; and the individual needs to learn self-learning methods. New training is needed to provide trainers and individuals with these skills. Enterprises may provide ICT facilities or support schemes for workers for the use of ICT at home or in general, and to schools or other training providers, in order to promote the diffusion of ICT skills and access in society. Appropriate government incentives could facilitate this development.

16. For many developing countries, the challenges are much more basic. Societies with huge and growing levels of adult illiteracy, and massive debt crises, will not be able to design, fund or implement the modern education and training policies which are pre-requisites for development and economic growth. In the age of the knowledge society, 884 million adults are illiterate, unable to operate effectively even with the intellectual tools of the "old economy". UNESCO estimates that, in the least developed countries, while 144 million adults were illiterate in 1985, by 2005 this will rise to 188 million – in other words, the number of illiterate adults will grow by 30 per cent in the least developed countries. Additionally, structural adjustment programmes have in specific instances operated to reduce public investment in education, thus further weakening the longer term capacity for economic growth and development.

Much of the developing world lack access to the physical infrastructure through which much of the new knowledge is pulsing. The lack of electricity and telephones, the

cost of computers and Internet access, all contribute to deprive citizens, enterprises and workers in developing countries from benefiting from the ICT revolution, and create the conditions for a “digital divide” to grow between countries. Developing countries should make greater efforts to invest in ICT and to develop ICT-appropriate methods of teaching rather than simply adding computers to existing teaching methods.

The international community should, as part of creating the conditions for skills formation in the least developed economies, undertake bold and substantial debt relief, or, where appropriate, debt cancellation; help mobilize resources for programmes to secure basic literacy and numeracy and the development of communication and information infrastructure; and assist with training in the new information and communication technologies. This is a direct challenge to the ILO and international development agencies.

Multinational corporations should be encouraged to agree fair technology transfer agreements, to develop local high-level skills in developing countries, and to help create the infrastructure for the new knowledge economy. The contributions to development that multinational companies can make through training as elaborated in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy should be recalled.

These measures, taken together, contribute to developing the economies and societies of the poorest parts of the world. They provide a ladder through which developing countries can move up the value chain in production, making goods and providing services which add significant economic value, and which receive significant economic return in the global economy. Education and training is one of the packages of measures to leapfrog from underdevelopment to the information society.

In developing an education and training base in developing countries, the existence of new technology can open up new possibilities and possibly save costs on more traditional methods. This is a major challenge for the developing countries to invest in ICT and develop appropriate policies.

Closer collaboration is needed between the ILO, UNESCO and other international organizations; regional organizations, such as the EU and MERCOSUR; and donor countries that place high priority on human resources development and training. It should also work more closely with international financial institutions such as the International Monetary Fund, the World Bank, and regional development banks, to ensure that structural adjustment programmes do not inhibit investments in education and training. Greater national and international efforts also should be made to eradicate illiteracy worldwide. All of these measures and support can only be effective if the developing countries make efforts to set up policies and programmes to promote economic growth and develop their human talent.

17. The development of a national qualifications framework is in the interest of enterprises and workers as it facilitates lifelong learning, helps enterprises and employment agencies match skill demand with supply, and guides individuals in their choice of training and career. The framework should consist of a number of elements: appropriate, transferable, broad and industry-based and professional competency standards, established by the social partners, that reflect the skills required in the economy and public institutions, and vocational and academic qualifications; and a credible, fair and transparent system of assessment of skills learned and competencies gained, irrespective of

how and where they have been learned, e.g. through formal and non-formal education and training, work experience and on-the-job learning.

Every person should have the opportunity to have his or her experiences and skills gained through work, through society or through formal and non-formal training assessed, recognized and certified. Programmes to compensate for skill deficits by individuals through increased access to education and training should be made available as part of recognition of prior learning programmes. Assessment should identify skill gaps, be transparent, and provide a guide to the learner and training provider. The framework should also include a credible system of certification of skills that are portable and recognized across enterprises, sectors, industries and educational institutions, whether public or private.

The assessment methodology should be fair, linked to standards, and be non-discriminatory. Potential hidden discrimination should be actively guarded against. For example, the shift to the service sector, with an overall stronger female component, often relies on greater communication and problem-solving skills, which are not always explicitly recognized. Similarly, testing systems conducted in an individual's second language sometimes distort results of technical and other skills possessed. New forms of work organization often shift the skills requirements within an enterprise. For example, flatter managerial structures are predicated on shifting certain responsibilities from management to the workforce. These should result in explicit recognition of the new competencies required by the workforce under these circumstances; and reward systems have to take these into account.

The vocational qualifications system should be tripartite, offer access to workers and anybody wanting to learn, should cover public and private training providers and be updated on a continuous basis. It should ensure multiple entry and exit points in the education and training system during a worker's career. The ILO should develop a database on best practices in developing a national qualifications framework, conduct a general study on the comparability of different national qualifications frameworks based on this database, and undertake research into recognition of prior learning.

18. Trade unions and employer associations may also contribute to training by managing their own training institutions and providing education for their members. Particularly at the sector and enterprise levels, collective bargaining can set appropriate conditions for the organization and implementation of training. Such collective bargaining could encompass issues such as:

- skills required by the enterprise and the economy;
- training necessary for workers;
- assessment of basic skills and skills gained either in the workplace or during individual or associative activities;
- development of career paths for workers;
- personal training and development plans for workers;
- facilities needed to allow the maximum benefits from training;
- recognition and reward schemes, including remuneration structuring.

19. The social partners should strengthen social dialogue on training, share responsibility in formulating education and training policies, and engage in partnerships with each other or with governments for investing in, planning and implementing training. In training, networks of cooperation also include regional and local government, various

ministries, sector and professional bodies, training institutions and providers, non-governmental organizations, etc. Government should establish a framework for effective social dialogue and partnerships in training and employment. This should result in a coordinated education and training policy at national level, and long-term strategies, which are formulated in consultation with the social partners and are integrated with economic and employment policies. It should also include tripartite, national and sector training arrangements, and provide for a transparent and comprehensive training and labour market information system. Enterprises are primarily responsible for training their employees and apprentices, but also share responsibility in initial vocational training of young people to meet their future needs.

20. The scope and effectiveness of social dialogue and partnerships in training is currently limited by the capacity and resources of actors. It varies between countries, sectors and large and small enterprises. Recent regional economic integration also brings a new dimension to social dialogue on training and the need for capacity building. There is a pressing need to raise this capacity by various means such as technical cooperation, public grants to trade union and employer organizations, and exchanging experience and best practices between countries. Education and training in industrial relations and on trade union education, business administration and the social contribution by the work and the organization of the social partners, should also be an integral part of capacity building and a part of initial and vocational training. Being a tripartite organization, the ILO should lead international cooperation to build up capacities for social dialogue and partnership building in training. Additional efforts should be made for the benefit of developing countries.

21. Terms of reference for a review of the Human Resources Development Recommendation, 1975, (No. 150), should be based on the present conclusions, adopted by the International Labour Conference at its 88th Session, 2000, the conclusions of the Cologne Charter 1999, and the statements on this subject jointly made by international employer and trade union organizations; and should include the following:

- 1) address training and education needs in the modern world of work in both developing and developed countries, and promote social equity in the global economy;
- 2) advance the decent work concept through defining the role of education and training;
- 3) promote lifelong learning, enhance employability of the world's workers, and address the economic challenges;
- 4) recognize the various responsibilities for investment and funding of education and training;
- 5) promote national, regional and international qualifications frameworks which include provisions for prior learning;
- 6) improve access and equity of opportunity for all workers to education and training;
- 7) build the capacity of the social partners for partnerships in education and training;
- 8) address the need for increased technical and financial assistance for the less advantaged countries and societies.

Recommendation No. 150 should be revised in order to reflect the new approach to training. Although some aspects of the Recommendation are still valid, others have lost

their relevance. There is a need for a more dynamic instrument that is more applicable and used by member States and the social partners in formulating and implementing human resources development policies, integrated with other economic and social policies, particularly employment policies. A new recommendation should be complemented by a practical guide and database that can be renewed on a continuous basis by the Office as part of its normal work.

III. R195. Recommendation concerning Human Resources Development: Education, Training and Lifelong Learning (2004)

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Recognizing that education, training and lifelong learning contribute significantly to promoting the interests of individuals, enterprises, the economy and society as a whole, especially considering the critical challenge of attaining full employment, poverty eradication, social inclusion and sustained economic growth in the global economy, and

Calling on governments, employers and workers to renew their commitment to lifelong learning: governments by investing and creating the conditions to enhance education and training at all levels; enterprises by training their employees; and individuals by making use of the education, training and lifelong learning opportunities, and

Recognizing that education, training and lifelong learning are fundamental and should form an integral part of, and be consistent with, comprehensive economic, fiscal, social and labour market policies and programmes that are important for sustainable economic growth and employment creation and social development, and

Recognizing that many developing countries need support in the design, funding and implementation of appropriate education and training policies to attain human development, economic and employment growth, and poverty eradication, and

Recognizing that education, training and lifelong learning are contributing factors to personal development, access to culture and active citizenship, and Recalling that the realization of decent work for workers everywhere is a primary objective of the International Labour Organization, and Noting the rights and principles embodied in the relevant instruments of the International Labour Organization, and in particular:

a) the Human Resources Development Convention, 1975; the Employment Policy Convention and Recommendation, 1964; the Employment Policy (Supplementary Provisions) Recommendation, 1984; and the Paid Educational Leave Convention and Recommendation, 1974;

b) the ILO Declaration on Fundamental Principles and Rights at Work;

c) the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

d) the conclusions concerning human resources training and development, adopted at the 88th Session (2000) of the International Labour Conference, and Having decided upon the adoption of certain proposals with regard to human resources development and training, which is the fourth item on the agenda of the session, and

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

adopts this seventeenth day of June of the year two thousand and four the following Recommendation, which may be cited as the Human Resources Development Recommendation, 2004.

I.OBJECTIVE, SCOPE AND DEFINITIONS

1. Members should, based on social dialogue, formulate, apply and review national human resources development, education, training and lifelong learning policies which are consistent with economic, fiscal and social policies.

2. For the purpose of this Recommendation:

- a) the term ***lifelong learning*** encompasses all learning activities undertaken throughout life for the development of competencies and qualifications;
- b) the term ***competencies*** covers the knowledge, skills and know-how applied and mastered in a specific context;
- c) the term ***qualifications*** means a formal expression of the vocational or professional abilities of a worker which is recognized at international, national or sectoral levels;
- d) the term ***employability*** relates to portable competencies and qualifications that enhance an individual's capacity to make use of the education and training opportunities available in order to secure and retain decent work, to progress within the enterprise and between jobs, and to cope with changing technology and labour market conditions.

3. Members should identify human resources development, education, training and lifelong learning policies which:

- a) facilitate lifelong learning and employability as part of a range of policy measures designed to create decent jobs, as well as to achieve sustainable economic and social development;
- b) give equal consideration to economic and social objectives, emphasize sustainable economic development in the context of the globalizing economy and the knowledge- and skills-based society, as well as the development of competencies, promotion of decent work, job retention, social development, social inclusion and poverty reduction;
- c) stress the importance of innovation, competitiveness, productivity, growth of the economy, the creation of decent jobs and the employability of people, considering that innovation creates new employment opportunities and also requires new approaches to education and training to meet the demand for new skills;
- d) address the challenge of transforming activities in the informal economy into decent work fully integrated into mainstream economic life; policies and programmes should be developed with the aim of creating decent jobs and opportunities for education and training, as well as validating prior learning and skills gained to assist workers and employers to move into the formal economy;
- e) promote and sustain public and private investment in the infrastructure needed for the use of information and communication technology in education and

- training, as well as in the training of teachers and trainers, using local, national and international collaborative networks;
 - f) reduce inequality in the participation in education and training.
4. Members should:
- a) recognize that education and training are a right for all and, in cooperation with the social partners, work towards ensuring access for all to lifelong learning;
 - b) recognize that the realization of lifelong learning should be based on the explicit commitment: by governments by investing and creating the conditions to enhance education and training at all levels; by enterprises in training their employees; and by individuals in developing their competencies and careers.

II. DEVELOPMENT AND IMPLEMENTATION OF EDUCATION AND TRAINING POLICIES

5. Members should:
- a) define, with the involvement of the social partners, a national strategy for education and training, as well as establish a guiding framework for training policies at national, regional, local, and sectoral and enterprise levels;
 - b) develop supportive social and other policies, and create an economic environment and incentives, to encourage enterprises to invest in education and training, individuals to develop their competencies and careers, and to enable and motivate all to participate in education and training programmes;
 - c) facilitate the development of an education and training delivery system consistent with national conditions and practices;
 - d) assume the primary responsibility for investing in quality education and pre-employment training, recognizing that qualified teachers and trainers working under decent conditions, are of fundamental importance;
 - e) develop a national qualifications framework to facilitate lifelong learning, assist enterprises and employment agencies to match skill demand with supply, guide individuals in their choice of training and career and facilitate the recognition of prior learning and previously acquired skills, competencies and experience; this framework should be responsive to changing technology and trends in the labour market and recognize regional and local differences, without losing transparency at the national level;
 - f) strengthen social dialogue and collective bargaining on training at international, national, regional, local, and sectoral and enterprise levels as a basic principle for systems development, programme relevance, quality and cost-effectiveness;
 - g) promote equal opportunities for women and men in education, training and lifelong learning;
 - h) promote access to education, training and lifelong learning for people with nationally identified special needs, such as youth, low-skilled people, people with disabilities, migrants, older workers, indigenous people, ethnic minority groups and the socially excluded; and for workers in small and medium-sized enterprises, in the informal economy, in the rural sector and in self-employment;

- i) provide support to the social partners to enable them to participate in social dialogue on training;
- j) support and assist individuals through education, training and lifelong learning, and other policies and programmes, to develop and apply entrepreneurial skills to create decent work for themselves and others.

6. (1) Members should establish, maintain and improve a coordinated education and training system within the concept of lifelong learning, taking into account the primary responsibility of government for education and pre-employment training and for training the unemployed, as well as recognizing the role of the social partners in further training, in particular the vital role of employers in providing work experience opportunities.

(2) Education and pre-employment training include compulsory basic education incorporating basic knowledge, literacy and numeracy skills and the appropriate use of information and communication technology.

7. Members should consider benchmarks in relation to comparable countries, regions and sectors when making decisions about investment in education and training.

III. EDUCATION AND PRE-EMPLOYMENT TRAINING

8. Members should:

- a) recognize their responsibility for education and pre-employment training and, in cooperation with the social partners, improve access for all to enhance employability and to facilitate social inclusion;
- b) develop approaches for non-formal education and training, especially for adults who were denied education and training opportunities when young;
- c) encourage the use of new information and communication technology in learning and training, to the extent possible;
- d) ensure provision of vocational, labour market and career information and guidance and employment counselling, supplemented by information on the rights and obligations of all concerned under labour-related laws and other forms of labour regulation;
- e) ensure that education and pre-employment training programmes are relevant and that their quality is maintained;
- f) ensure that vocational education and training systems are developed and strengthened to provide appropriate opportunities for the development and certification of skills relevant to the labour market.

IV. DEVELOPMENT OF COMPETENCIES

9. Members should:

- a) promote, with the involvement of the social partners, the ongoing identification of trends in the competencies needed by individuals, enterprises, the economy and society as a whole;
- b) recognize the role of the social partners, enterprises and workers in training;
- c) support initiatives by the social partners in the field of training in bipartite dialogue, including collective bargaining;

- d) provide positive measures to stimulate investment and participation in training;
- e) recognize workplace learning, including formal and non-formal learning, and work experience;
- f) promote the expansion of workplace learning and training through:
 - i) the utilization of high-performance work practices that improve skills;
 - ii) the organization of on- and off-the-job training with public and private training providers, and making greater use of information and communication technology; and
 - iii) the use of new forms of learning together with appropriate social policies and measures to facilitate participation in training;
- g) urge private and public employers to adopt best practices in human resources development;
- h) develop equal opportunity strategies, measures and programmes to promote and implement training for women, as well as for specific groups and economic sectors, and for people with special needs, with the objective of reducing inequalities;
- i) promote equal opportunities for, and access to, career guidance and skill upgrading for all workers, as well as support for retraining employees whose jobs are at risk;
- j) call upon multinational enterprises to provide training for all levels of their employees in home and host countries, to meet the needs of the enterprises and contribute to the development of the country;
- k) promote the development of equitable training policies and opportunities for all public sector employees, recognizing the role of the social partners in this sector;
- l) promote supportive policies to enable individuals to balance their work, family and lifelong learning interests.

V. TRAINING FOR DECENT WORK AND SOCIAL INCLUSION

10. Members should recognize:

- a) the primary responsibility of government for the training of the unemployed, those seeking to enter or re-enter the labour market and people with special needs, to develop and enhance their employability to secure decent work, in the private and public sectors, through such measures as incentives and assistance;
- b) the role of the social partners to support, through human resources development policies and other measures, the integration of the unemployed and people with special needs in jobs;
- c) the role of local authorities and communities and other interested parties in implementing programmes for people with special needs.

VI. FRAMEWORK FOR RECOGNITION AND CERTIFICATION OF SKILLS

11. (1) Measures should be adopted, in consultation with the social partners and using a national qualifications framework, to promote the development, implementation and financing of a transparent mechanism for the assessment, certification and recognition of skills, including prior learning and previous experience, irrespective of the coun-

tries where they were acquired and whether acquired formally or informally.

(2) Such an assessment methodology should be objective, non-discriminatory and linked to standards.

(3) The national framework should include a credible system of certification which will ensure that skills are portable and recognized across sectors, industries, enterprises and educational institutions.

12. Special provisions should be designed to ensure recognition and certification of skills and qualifications for migrant workers.

VII. TRAINING PROVIDERS

13. Members should, in cooperation with the social partners, promote diversity of training provision to meet the different needs of individuals and enterprises and to ensure high- quality standards, recognition and portability of competencies and qualifications within a national quality assurance framework.

14. Members should:

- a) develop a framework for the certification of qualifications of training providers;
- b) identify the roles of government and the social partners in promoting the expansion and diversification of training;
- c) include quality assurance in the public system and promote its development within the private training market and evaluate the outcomes of education and training;
- d) develop quality standards for trainers and create the opportunities for trainers to meet such standards.

VIII. CAREER GUIDANCE AND TRAINING SUPPORT SERVICES

15. Members should:

- a) assure and facilitate, throughout an individual's life, participation in, and access to, vocational and career information and guidance, job placement services and job search techniques and training support services;
- b) promote and facilitate the use of information and communication technology, as well as traditional best practices in career information and guidance and training support services;
- c) identify, in consultation with the social partners, roles and responsibilities of employment services, training providers and other relevant service providers with respect to vocational and career information and guidance;
- d) provide information and guidance on entrepreneurship, promote entrepreneurial skills, and raise awareness among educators and trainers of the important role of enterprises, among others, in creating growth and decent jobs.

IX. RESEARCH IN HUMAN RESOURCES DEVELOPMENT, EDUCATION, TRAINING AND LIFELONG LEARNING

16. Members should evaluate the impact of their education, training and lifelong learning policies on the progress made towards achieving broader human development goals, such as the creation of decent jobs and poverty eradication.

17. Members should develop their national capacity, as well as facilitate and assist in developing that of the social partners, to analyse trends in labour markets and human resources development and training.

18. Members should:

- a) collect information, disaggregated by gender, age, and other specific socio-economic characteristics, on educational levels, qualifications, training activities, and employment and incomes, especially when organizing regular surveys of the population, so that trends can be established and comparative analysis undertaken to guide policy development;
- b) establish databases and quantitative and qualitative indicators, disaggregated by gender, age and other characteristics, on the national training system and gather data on training in the private sector, taking into account the impact of data collection on enterprises;
- c) collect information on competencies and emerging trends in the labour market from a variety of sources, including longitudinal studies, and not confined to traditional occupational classifications.

19. Members should, in consultation with the social partners, and taking into account the impact of data collection on enterprises, support and facilitate research on human resources development and training, which could include:

- a) learning and training methodologies, including the use of information and communication technology in training;
- b) skills recognition and qualifications frameworks;
- c) policies, strategies and frameworks for human resources development and training;
- d) investment in training, as well as the effectiveness and impact of training;
- e) identifying, measuring and forecasting the trends in supply and demand for competencies and qualifications in the labour market;
- f) identifying and overcoming barriers to accessing training and education;
- g) identifying and overcoming gender bias in the assessment of competencies;
- h) preparing, publishing and disseminating reports and documentation on policies, surveys and available data.

20. Members should use the information obtained through research to guide planning, implementation and evaluation of programmes.

X.INTERNATIONAL AND TECHNICAL COOPERATION

21. International and technical cooperation in human resources development, education, training and lifelong learning should:

- a) develop mechanisms that mitigate the adverse impact on developing countries of the loss of skilled people through migration, including strategies to strengthen the human resources development systems in the countries of origin, recognizing that creating enabling conditions for economic growth, investment, creation of decent jobs and human development will have a positive effect on retaining skilled labour;
- b) promote greater opportunities for women and men to obtain decent work;

- c) promote national capacity building to reform and develop training policies and programmes, including developing the capacity for social dialogue and partnership building in training;
- d) promote the development of entrepreneurship and decent employment and share experiences on international best practices;
- e) strengthen the capacity of the social partners to contribute to dynamic lifelong learning policies, in particular in relation to the new dimensions of regional economic integration, migration and the emerging multicultural society;
- f) promote recognition and portability of skills, competencies and qualifications nationally and internationally;
- g) increase technical and financial assistance for developing countries and promote, at the level of the international financial institutions and funding agencies, coherent policies and programmes which place education, training and lifelong learning at the centre of development policies;
- h) taking into account the specific problems of the indebted developing countries, explore and apply innovative approaches to provide additional resources for human resources development;
- i) promote cooperation between and among governments, the social partners, the private sector and international organizations on all other issues and strategies encompassed in this instrument.

XI.FINAL PROVISION

22. The present Recommendation revises and replaces the Human Resources Development Recommendation, 1975.

Cross references

Conventions: C122 Employment Policy Convention, 1964

Conventions: C140 Paid Educational Leave Convention, 1974

Conventions: C142 Human Resources Development Convention, 1975

Recommendations: R122 Employment Policy Recommendation, 1964

Recommendations: R148 Paid Educational Leave Recommendation, 1974

Recommendations: R169 Employment Policy (Supplementary Provisions) Recommendation, 1984

Revised: R150 This Recommendation revises the Human Resources Development Recommendation, 1975.