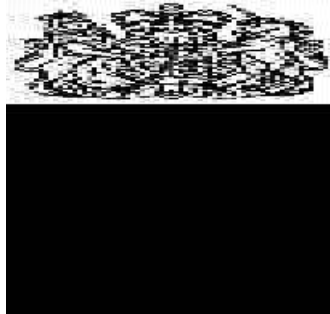


International Labour Conference

Presentation of a Protocol and two Recommendations adopted at the 90th Session of the International Labour Conference (2002) and the proposed action by Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland on the Protocol and Recommendations

*Presented to Parliament by the Secretary of State for Work and Pensions
by Command of Her Majesty
July 2003*



International Labour Conference

Presentation and Proposed Action by Her Majesty's Government
in the United Kingdom of Great Britain and Northern Ireland of:

Protocol of 2002 to the Occupational Safety and Health
Convention 1981 (No. 155)

Recommendation concerning the List of Occupational Diseases
and the Recording and Notification of Occupational Accidents
and Diseases 2002 (No. 194)

Recommendation concerning the Promotion of Cooperatives
2002 (No. 193)

*Presented to Parliament by the Secretary of State for Work and Pensions
by Command of Her Majesty
July 2003*

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INTERNATIONAL LABOUR CONFERENCE 2002

At its 90th Session in June 2002 the International Labour Conference adopted a Protocol and Recommendation relating to Occupational Safety and Health and the Notification of Occupational Accidents and Diseases and a Recommendation on the Promotion of Co-operatives. The full texts of the Protocol and Recommendations are set out in the Annex to this White Paper.

The Government's conclusions on the Protocol and Recommendations are as follows:

Protocol of 2002 to the Occupational Safety and Health Convention 1981 (No. 155) and Recommendation concerning the List of Occupational Diseases and Recording and Notification of Occupational Accidents and Diseases 2002 (No. 194).

The Protocol, which supplements the Occupational Safety and Health Convention 1981, No.155, aims to strengthen recording and notification procedures for occupational accidents and diseases and promote harmonisation of recording and notification systems. This is with the aim of identifying the causes of occupational accidents and diseases and establishing preventative measures.

The Protocol requires Member States that ratify it to establish and periodically review requirements and procedures for the recording and the notification of occupational accidents and diseases, and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational disease. This must be done in consultation with the most representative employers' and workers' organisations.

The requirements and procedures determine employers' responsibilities:

- to record occupational accidents and diseases, and as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational disease;
- to notify the authorities or other designated bodies of occupational accidents and diseases, and as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational disease;
- to provide appropriate information to workers and their representatives;
- to keep and maintain records and use them for the establishment of preventative measures; and
- not to institute retaliatory or disciplinary measures against workers for reporting.

The requirements and procedures also determine:

- the information to be recorded;
- the length of time records are to be kept;
- the measures in place to ensure the confidentiality of personal and medical data in the employers' possession;
- the arrangements for notification of occupational accidents and occupational diseases;

- the data to be provided in any notification;
- the criteria to be used for notification purposes; and
- the time limits for notification.

The Protocol also requires Member States to publish annual statistics that are representative of the country as a whole and compatible with the latest international schemes of the ILO or other relevant international organisations.

The Recommendation asks Member States to take account of the ILO's 1996 Code of Practice on the recording and notification of occupational accidents and diseases when establishing, reviewing or applying systems for recording and notifying occupational accidents and diseases.

Member States should establish a national list of occupational diseases for the purposes of prevention, recording, notification and compensation. The new list in the Recommendation supplements Schedule 1 of the ILO's Employment Injury Benefits Convention, 1964. The list in the Annex of the Recommendation will be regularly updated through tripartite meetings of experts convened by the Governing Body of the ILO.

Member States should review and update their national lists with due regard for the list in the Recommendation and should communicate their national lists to the International Labour Office to allow the list to be reviewed and updated regularly.

Member States should also provide the International Labour Office annually with comprehensive statistics on occupational accidents and diseases, and as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational disease. This is to facilitate international exchange and comparison of statistics.

The Government supports the aims of the Protocol and the Recommendation and is confident that their provisions are broadly met in the UK. However, ratification of the Protocol, which supplements the Occupational Safety and Health Convention 1981, No.155 can only take place once the Convention itself has been ratified. Some changes may also be necessary to bring existing law and practice into conformity with the Protocol.

Recommendation concerning the Promotion of Cooperatives 2002 (No. 193)

The Recommendation is divided into 5 substantive sections.

Section I sets out the scope, definition and objectives of the recommendation. The term co-operative is defined as an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise. The recommendation sets out the general co-operative values and principles on the basis of which the promotion and strengthening of co-operatives should be undertaken. It also sets out the aims of the measures which it recommends should be adopted in all member countries.

Sections II and III set out the recommendations for the role of Governments and for the implementation of public policies for the promotion of co-operatives. The recommendation calls on Governments to provide a supportive policy and legal framework for co-operatives and that they should be considered as one of the pillars of national and international economic and social development, on terms no less favourable than those accorded to other forms of enterprise and social organisation. The recommendation details specific measures, where appropriate, to support the activities of co-operatives which meet specific social and public policy outcomes. The recommendation calls for national policies in relation to employment within co-operatives in a number of areas including the participation of women and education and skills of employees. Other measures specified include access of co-operatives to markets such as credit and the dissemination of statistics on co-operatives. The recommendation also sets out other areas the policies need to have regard to, for example, whether the policies should be decentralised to regional or local level and also the role of co-operatives in mainstreaming what are sometimes “informal economy” activities.

Section III recommends Member States adopt specific legislation and regulations on co-operatives, revising them where appropriate. It also recommends consulting on such revisions with the employers and employees of the organisations concerned. The recommendation calls on Governments to facilitate access of co-operatives to support services and goes on to list certain of those services. Section III also calls on Governments to adopt measures, where appropriate, to facilitate the access of co-operatives to investment finance and credit and goes on to specify such measures. The recommendation suggests Governments should encourage conditions favouring the development of various linkages among all forms of co-operatives.

Section IV suggests employers’ and workers’ organisations should also seek means of co-operative promotion. In the case of employers’ organisations, they are asked to consider the extension of membership to co-operatives wishing to join them. Workers’ organisations are asked to encourage various means to promote co-operatives such as assisting workers to join co-operatives, helping the establishment of new co-operatives, participation in committees which have an impact on co-operatives and other programmes that assist the productivity of co-operatives and the rights of their worker-members. In this section, co-operatives themselves are encouraged to establish relationships with employers’ and workers’ organisations and other agencies and to provide various forms of support for and development of co-operatives and their members, workers and managers.

Section V recommends that international co-operation should be facilitated through the exchange of information on policies and programmes, encouraging relationships between national and international bodies involved in the development of co-operatives and the access of co-operatives to national and international data such as market information, legislation or training methods. It also recommends, where warranted and possible, common regional and international guidelines and legislation to support co-operatives.

The Government is fully supportive of the Recommendation and is confident that its policies in relation to co-operatives are broadly consistent with the Recommendation. The Recommendation provides guidelines for the development of policy and a useful benchmark for all countries to consider what further steps they need to take. The Government has recently supported measures to update the legislation governing co-operatives and consulted widely on further options for change. The Government accepts the ILC Recommendation and will consider it in shaping work in this area going forward.

Protocol 2002

**PROTOCOL TO THE OCCUPATIONAL
SAFETY AND HEALTH CONVENTION, 1981**

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 90th Session on 3 June 2002, and

Noting the provisions of Article 11 of the Occupational Safety and Health Convention, 1981, (hereinafter referred to as “the Convention”), which states in particular that:

“To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out;

(c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;

(e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work”;

and

Having regard to the need to strengthen recording and notification procedures for occupational accidents and diseases and to promote the harmonization of recording and notification systems with the aim of identifying their causes and establishing preventive measures, and

Having decided upon the adoption of certain proposals with regard to the recording and notification of occupational accidents and diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a protocol to the Occupational Safety and Health Convention, 1981;

adopts this twentieth day of June two thousand and two the following Protocol, which may be cited as the Protocol of 2002 to the Occupational Safety and Health Convention, 1981.

I. DEFINITIONS

Article 1

For the purpose of this Protocol:

- (a) the term “occupational accident” covers an occurrence arising out of, or in the course of, work which results in fatal or non-fatal injury;
- (b) the term “occupational disease” covers any disease contracted as a result of an exposure to risk factors arising from work activity;
- (c) the term “dangerous occurrence” covers a readily identifiable event as defined under national laws and regulations, with potential to cause an injury or disease to persons at work or to the public;
- (d) the term “commuting accident” covers an accident resulting in death or personal injury occurring on the direct way between the place of work and:
 - (i) the worker’s principal or secondary residence; or
 - (ii) the place where the worker usually takes a meal; or
 - (iii) the place where the worker usually receives his or her remuneration.

II. SYSTEMS FOR RECORDING AND NOTIFICATION

Article 2

The competent authority shall, by laws or regulations or any other method consistent with national conditions and practice, and in consultation with the most representative organizations of employers and workers, establish and periodically review requirements and procedures for:

- (a) the recording of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
- (b) the notification of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.

Article 3

The requirements and procedures for recording shall determine:

- (a) the responsibility of employers:
 - (i) to record occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases;
 - (ii) to provide appropriate information to workers and their representatives concerning the recording system;

- (iii) to ensure appropriate maintenance of these records and their use for the establishment of preventive measures; and
 - (iv) to refrain from instituting retaliatory or disciplinary measures against a worker for reporting an occupational accident, occupational disease, dangerous occurrence, commuting accident or suspected case of occupational disease;
- (b) the information to be recorded;
 - (c) the duration for maintaining these records; and
 - (d) measures to ensure the confidentiality of personal and medical data in the employer's possession, in accordance with national laws and regulations, conditions and practice.

Article 4

The requirements and procedures for the notification shall determine:

- (a) the responsibility of employers:
 - (i) to notify the competent authorities or other designated bodies of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and
 - (ii) to provide appropriate information to workers and their representatives concerning the notified cases;
- (b) where appropriate, arrangements for notification of occupational accidents and occupational diseases by insurance institutions, occupational health services, medical practitioners and other bodies directly concerned;
- (c) the criteria according to which occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases are to be notified; and
- (d) the time limits for notification.

Article 5

The notification shall include data on:

- (a) the enterprise, establishment and employer;
- (b) if applicable, the injured persons and the nature of the injuries or disease; and
- (c) the workplace, the circumstances of the accident or the dangerous occurrence and, in the case of an occupational disease, the circumstances of the exposure to health hazards.

III. NATIONAL STATISTICS

Article 6

Each Member which ratifies this Protocol shall, based on the notifications and other available information, publish annually statistics that are compiled in such a way as to be representative of the country as a whole, concerning occupational accidents, occupational diseases and, as appropriate, dangerous occurrences and commuting accidents, as well as the analyses thereof.

Article 7

The statistics shall be established following classification schemes that are compatible with the latest relevant international schemes established under the auspices of the International Labour Organization or other competent international organizations.

IV. FINAL PROVISIONS

Article 8

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which its ratification has been registered by the Director-General and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

Article 9

1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 25, by an act communicated to the Director-General of the International Labour Office for registration.

2. Denunciation of the Convention in accordance with its Article 25 by a Member which has ratified this Protocol shall *ipso jure* involve the denunciation of this Protocol.

3. Any denunciation of this Protocol in accordance with paragraphs 1 or 2 of this Article shall not take effect until one year after the date on which it is registered.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles

Article 12

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

The foregoing is the authentic text of the Protocol duly adopted by the General Conference of the International Labour Organization during its Ninetieth Session which was held at Geneva and declared closed on 20 June 2002.

IN FAITH WHEREOF we have appended our signatures this twenty-first day of June 2002.

The President of the Conference,

JEAN-JACQUES ELMIGER

The Director-General of the International Labour Office,

JUAN SOMAVIA

The text of the Protocol as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

For the Director-General of the International Labour Office:

Recommendation 194

RECOMMENDATION CONCERNING THE LIST OF OCCUPATIONAL DISEASES AND THE RECORDING AND NOTIFICATION OF OCCUPATIONAL ACCIDENTS AND DISEASES,

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 90th Session on 3 June 2002, and

Noting the provisions of the Occupational Safety and Health Convention and Recommendation, 1981, and the Occupational Health Services Convention and Recommendation, 1985, and

Noting also the list of occupational diseases as amended in 1980 appended to the Employment Injury Benefits Convention, 1964, and

Having regard to the need to strengthen identification, recording and notification procedures for occupational accidents and diseases, with the aim of identifying their causes, establishing preventive measures, promoting the harmonization of recording and notification systems, and improving the compensation process in the case of occupational accidents and occupational diseases, and

Having regard to the need for a simplified procedure for updating a list of occupational diseases, and

Having decided upon the adoption of certain proposals with regard to the recording and notification of occupational accidents and diseases, and to the regular review and updating of a list of occupational diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation;

adopts this twentieth day of June of the year two thousand and two the following Recommendation, which may be cited as the List of Occupational Diseases Recommendation, 2002.

1. In the establishment, review and application of systems for the recording and notification of occupational accidents and diseases, the competent authority should take account of the 1996 Code of practice on the recording and notification of occupational accidents and diseases, and other codes of practice or guides relating to this subject that are approved in the future by the International Labour Organization.

2. A national list of occupational diseases for the purposes of prevention, recording, notification and, if applicable, compensation should be established by the competent authority, in consultation with the most representative organizations of employers and workers, by methods appropriate to national conditions and practice, and by stages as necessary. This list should:

(a) for the purposes of prevention, recording, notification and compensation comprise, at the least, the diseases enumerated in Schedule I of the

Employment Injury Benefits Convention, 1964, as amended in 1980;

- (b) comprise, to the extent possible, other diseases contained in the list of occupational diseases as annexed to this Recommendation; and
- (c) comprise, to the extent possible, a section entitled “Suspected occupational diseases”.

3. The list as annexed to this Recommendation should be regularly reviewed and updated through tripartite meetings of experts convened by the Governing Body of the International Labour Office. Any new list so established shall be submitted to the Governing Body for its approval, and upon approval shall replace the preceding list and shall be communicated to the Members of the International Labour Organization.

4. The national list of occupational diseases should be reviewed and updated with due regard to the most up-to-date list established in accordance with Paragraph 3 above.

5. Each Member should communicate its national list of occupational diseases to the International Labour Office as soon as it is established or revised, with a view to facilitating the regular review and updating of the list of occupational diseases annexed to this Recommendation.

6. Each Member should furnish annually to the International Labour Office comprehensive statistics on occupational accidents and diseases and, as appropriate, dangerous occurrences and commuting accidents with a view to facilitating the international exchange and comparison of these statistics.

ANNEX

List of occupational diseases

1. Diseases caused by agents

1.1. Diseases caused by chemical agents

- 1.1.1. Diseases caused by beryllium or its toxic compounds
- 1.1.2. Diseases caused by cadmium or its toxic compounds
- 1.1.3. Diseases caused by phosphorus or its toxic compounds
- 1.1.4. Diseases caused by chromium or its toxic compounds
- 1.1.5. Diseases caused by manganese or its toxic compounds
- 1.1.6. Diseases caused by arsenic or its toxic compounds
- 1.1.7. Diseases caused by mercury or its toxic compounds
- 1.1.8. Diseases caused by lead or its toxic compounds
- 1.1.9. Diseases caused by fluorine or its toxic compounds
- 1.1.10. Diseases caused by carbon disulphide
- 1.1.11. Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons
- 1.1.12. Diseases caused by benzene or its toxic homologues
- 1.1.13. Diseases caused by toxic nitro- and amino-derivatives of benzene or its homologues
- 1.1.14. Diseases caused by nitroglycerine or other nitric acid esters
- 1.1.15. Diseases caused by alcohols, glycols or ketones
- 1.1.16. Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulphide
- 1.1.17. Diseases caused by acrylonitrile
- 1.1.18. Diseases caused by oxides of nitrogen
- 1.1.19. Diseases caused by vanadium or its toxic compounds
- 1.1.20. Diseases caused by antimony or its toxic compounds
- 1.1.21. Diseases caused by hexane
- 1.1.22. Diseases of teeth caused by mineral acids
- 1.1.23. Diseases caused by pharmaceutical agents
- 1.1.24. Diseases caused by thallium or its compounds
- 1.1.25. Diseases caused by osmium or its compounds
- 1.1.26. Diseases caused by selenium or its compounds
- 1.1.27. Diseases caused by copper or its compounds
- 1.1.28. Diseases caused by tin or its compounds
- 1.1.29. Diseases caused by zinc or its compounds
- 1.1.30. Diseases caused by ozone, phosgene
- 1.1.31. Diseases caused by irritants: benzoquinone and other corneal irritants
- 1.1.32. Diseases caused by any other chemical agents not mentioned in the

preceding items 1.1.1 to 1.1.31, where a link between the exposure of a worker to these chemical agents and the diseases suffered is established

1.2. Diseases caused by physical agents

- 1.2.1. Hearing impairment caused by noise
- 1.2.2. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves)
- 1.2.3. Diseases caused by work in compressed air
- 1.2.4. Diseases caused by ionizing radiations
- 1.2.5. Diseases caused by heat radiation
- 1.2.6. Diseases caused by ultraviolet radiation
- 1.2.7. Diseases caused by extreme temperature (e.g. sunstroke, frostbite)
- 1.2.8. Diseases caused by any other physical agents not mentioned in the preceding items 1.2.1 to 1.2.7, where a direct link between the exposure of a worker to these physical agents and the diseases suffered is established

1.3. Diseases caused by biological agents

- 1.3.1. Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination

2. Diseases by target organ systems

2.1. Occupational respiratory diseases

- 2.1.1. Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthracosilicosis, asbestosis) and silicotuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death
- 2.1.2. Bronchopulmonary diseases caused by hard-metal dust
- 2.1.3. Bronchopulmonary diseases caused by cotton, flax, hemp or sisal dust (byssinosis)
- 2.1.4. Occupational asthma caused by recognized sensitizing agents or irritants inherent to the work process
- 2.1.5. Extrinsic allergic alveolitis caused by the inhalation of organic dusts, as prescribed by national legislation
- 2.1.6. Siderosis
- 2.1.7. Chronic obstructive pulmonary diseases
- 2.1.8. Diseases of the lung caused by aluminium
- 2.1.9. Upper airways disorders caused by recognized sensitizing agents or irritants inherent to the work process
- 2.1.10. Any other respiratory disease not mentioned in the preceding items 2.1.1 to
- 2.1.9. caused by an agent where a direct link between the exposure of a worker to this agent and the disease suffered is established

2.2. Occupational skin diseases

- 2.2.1. Skin diseases caused by physical, chemical or biological agents not included under other items

- 2.2.2. Occupational vitiligo
- 2.3. *Occupational musculo-skeletal disorders*
- 2.3.1. Musculo-skeletal diseases caused by specific work activities or work environment where particular risk factors are present
 - Examples of such activities or environment include:
 - (a) rapid or repetitive motion
 - (b) forceful exertion
 - (c) excessive mechanical force concentration
 - (d) awkward or non-neutral postures
 - (e) vibration
 - Local or environmental cold may increase risk

3. Occupational cancer

- 3.1. *Cancer caused by the following agents*
- 3.1.1. Asbestos
- 3.1.2. Benzidine and its salts
- 3.1.3. Bis chloromethyl ether (BCME)
- 3.1.4. Chromium and chromium compounds
- 3.1.5. Coal tars, coal tar pitches or soots
- 3.1.6. Beta-naphthylamine
- 3.1.7. Vinyl chloride
- 3.1.8. Benzene or its toxic homologues
- 3.1.9. Toxic nitro- and amino-derivatives of benzene or its homologues
- 3.1.10. Ionizing radiations
- 3.1.11. Tar, pitch, bitumen, mineral oil, anthracene, or the compounds products or residues of these substances
- 3.1.12. Coke oven emissions
- 3.1.13. Compounds of nickel
- 3.1.14. Wood dust
- 3.1.15. Cancer caused by any other agents not mentioned in the preceding items 3.1.1 to 3.1.14, where a direct link between the exposure of a worker to this agent and the cancer suffered is established

4. Other diseases

- 4.1. *Miners' nystagmus*

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Ninetieth Session which was held at Geneva and declared closed on 20 June 2002.

IN FAITH WHEREOF we have appended our signatures this twenty-first day of June 2002.

The President of the Conference,

JEAN-JACQUES ELMIGER

The Director-General of the International Labour Office,

JUAN SOMAVIA

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

For the Director-General of the International Labour Office:

Recommendation 193

RECOMMENDATION CONCERNING THE PROMOTION OF COOPERATIVES

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 90th Session on 3 June 2002, and

Recognizing the importance of cooperatives in job creation, mobilizing resources, generating investment and their contribution to the economy, and

Recognizing that cooperatives in their various forms promote the fullest participation in the economic and social development of all people, and

Recognizing that globalization has created new and different pressures, problems, challenges and opportunities for cooperatives, and that stronger forms of human solidarity at national and international levels are required to facilitate a more equitable distribution of the benefits of globalization, and

Noting the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference at its 86th Session (1998), and

Noting the rights and principles embodied in international labour Conventions and Recommendations, in particular the Forced Labour Convention, 1930; the Freedom of Association and Protection of the Right to Organise Convention, 1948; the Right to Organise and Collective Bargaining Convention, 1949; the Equal Remuneration Convention, 1951; the Social Security (Minimum Standards) Convention, 1952; the Abolition of Forced Labour Convention, 1957; the Discrimination (Employment and Occupation) Convention, 1958; the Employment Policy Convention, 1964; the Minimum Age Convention, 1973; the Rural Workers' Organisations Convention and Recommendation, 1975; the Human Resources Development Convention and Recommendation, 1975; the Employment Policy (Supplementary Provisions) Recommendation, 1984; the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998; and The Worst Forms of Child Labour Convention, 1999, and

Recalling the principle embodied in the Declaration of Philadelphia that "labour is not a commodity", and

Recalling that the realization of decent work for workers everywhere is a primary objective of the International Labour Organization, and

Having decided upon the adoption of certain proposals with regard to the promotion of cooperatives, 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 twentieth day of June of the year two thousand and two the following Recommendation, which may be cited as the Promotion of Cooperatives Recommendation, 2002.

I. SCOPE, DEFINITION AND OBJECTIVES

1. It is recognized that cooperatives operate in all sectors of the economy. This Recommendation applies to all types and forms of cooperatives.

2. for the purposes of this Recommendation, the term “cooperative” means an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise.

3. The promotion and strengthening of the identity of cooperatives should be encouraged on the basis of:

- (a) cooperative values of self-help, self-responsibility, democracy, equality, equity and solidarity; as well as ethical values of honesty, openness, social responsibility and caring for others; and
- (b) cooperative principles as developed by the international cooperative movement and as referred to in the Annex hereto. These principles are: voluntary and open membership; democratic member control; member economic participation; autonomy and independence; education, training and information; cooperation among cooperatives; and concern for community.

4. Measures should be adopted to promote the potential of cooperatives in all countries, irrespective of their level of development, in order to assist them and their membership to:

- (a) create and develop income-generating activities and sustainable decent employment;
- (b) develop human resource capacities and knowledge of the values, advantages and benefits of the cooperative movement through education and training;
- (c) develop their business potential, including entrepreneurial and managerial capacities;
- (d) strengthen their competitiveness as well as gain access to markets and to institutional finance;
- (e) increase savings and investment;
- (f) improve social and economic well-being, taking into account the need to eliminate all forms of discrimination;
- (g) contribute to sustainable human development; and
- (h) establish and expand a viable and dynamic distinctive sector of the economy, which includes cooperatives, that responds to the social and economic needs of the community.

5. The adoption of special measures should be encouraged to enable cooperatives, as enterprises and organizations inspired by solidarity, to respond to their members' needs and the needs of society, including those of disadvantaged groups in order to achieve their social inclusion.

II. POLICY FRAMEWORK AND ROLE OF GOVERNMENTS

6. A balanced society necessitates the existence of strong public and private sectors, as well as a strong cooperative, mutual and the other social and nongovernmental sector. It is in this context that Governments should provide a supportive policy and legal framework consistent with the nature and function of cooperatives and guided by the cooperative values and principles set out in Paragraph 3, which would:

- (a) establish an institutional framework with the purpose of allowing for the registration of cooperatives in as rapid, simple, affordable and efficient a manner as possible;
- (b) promote policies aimed at allowing the creation of appropriate reserves, part of which at least could be indivisible, and solidarity funds within cooperatives;
- (c) provide for the adoption of measures for the oversight of cooperatives, on terms appropriate to their nature and functions, which respect their autonomy, and are in accordance with national law and practice, and which are no less favourable than those applicable to other forms of enterprise and social organization;
- (d) facilitate the membership of cooperatives in cooperative structures responding to the needs of cooperative members; and
- (e) encourage the development of cooperatives as autonomous and selfmanaged enterprises, particularly in areas where cooperatives have an important role to play or provide services that are not otherwise provided.

7. (1) The promotion of cooperatives guided by the values and principles set out in Paragraph 3 should be considered as one of the pillars of national and international economic and social development.

(2) Cooperatives should be treated in accordance with national law and practice and on terms no less favourable than those accorded to other forms of enterprise and social organization. Governments should introduce support measures, where appropriate, for the activities of cooperatives that meet specific social and public policy outcomes, such as employment promotion or the development of activities benefiting disadvantaged groups or regions. Such measures could include, among others and in so far as possible, tax benefits, loans, grants, access to public works programmes, and special procurement provisions.

(3) Special consideration should be given to increasing women's participation in the cooperative movement at all levels, particularly at management and leadership levels.

8. (1) National policies should notably:

- (a) promote the ILO fundamental labour standards and the ILO Declaration on Fundamental Principles and Rights at Work, for all workers in cooperatives without distinction whatsoever;
- (b) ensure that cooperatives are not set up for, or used for, non-compliance with labour law or used to establish disguised employment relationships, and combat pseudo cooperatives violating workers' rights, by ensuring that labour legislation is applied in all enterprises;
- (c) gender equality in cooperatives and in their work;
- (d) promote measures to ensure that best labour practices are followed in cooperatives, including access to relevant information;
- (e) develop the technical and vocational skills, entrepreneurial and managerial abilities, knowledge of business potential, and general economic and social policy skills, of members, workers and managers, and improve their access to information and communication technologies;
- (f) promote education and training in cooperative principles and practices, at all appropriate levels of the national education and training systems, and in the wider society;
- (g) promote the adoption of measures that provide for safety and health in the workplace;
- (h) provide for training and other forms of assistance to improve the level of productivity and competitiveness of cooperatives and the quality of goods and services they produce;
- (i) facilitate access of cooperatives to credit;
- (j) facilitate access of cooperatives to markets;
- (k) promote the dissemination of information on cooperatives; and
- (l) seek to improve national statistics on cooperatives with a view to the formulation and implementation of development policies.

(2) Such policies should:

- (a) decentralize to the regional and local levels, where appropriate, the formulation and implementation of policies and regulations regarding cooperatives;
- (b) define legal obligations of cooperatives in areas such as registration, financial and social audits, and the obtaining of licences; and
- (c) promote best practice on corporate governance in cooperatives.

9. Governments should promote the important role of cooperatives in transforming what are often marginal survival activities (sometimes referred to as the "informal economy") into legally protected work, fully integrated into mainstream economic life.

III. IMPLEMENTATION OF PUBLIC POLICIES FOR THE PROMOTION OF COOPERATIVES

10. (1) Member States should adopt specific legislation and regulations on cooperatives, which are guided by the cooperative values and principles set out in Paragraph 3, and revise such legislation and regulations when appropriate.

(2) Governments should consult cooperative organizations, as well as the employers' and workers' organizations concerned, in the formulation and revision of legislation, policies and regulations applicable to cooperatives.

11. (1) Governments should facilitate access of cooperatives to support services in order to strengthen them, their business viability and their capacity to create employment and income.

(2) These services should include, wherever possible:

- (a) human resource development programmes;
- (b) research and management consultancy services;
- (c) access to finance and investment;
- (d) accountancy and audit services;
- (e) management information services;
- (f) information and public relations services;
- (g) consultancy services on technology and innovation;
- (h) legal and taxation services;
- (i) support services for marketing; and
- (j) other support services where appropriate.

(3) Governments should facilitate the establishment of these support services. Cooperatives and their organizations should be encouraged to participate in the organization and management of these services and, wherever feasible and appropriate, to finance them.

(4) Governments should recognize the role of cooperatives and their organizations by developing appropriate instruments aimed at creating and strengthening cooperatives at national and local levels.

12. Governments should, where appropriate, adopt measures to facilitate the access of cooperatives to investment finance and credit. Such measures should notably:

- (a) allow loans and other financial facilities to be offered;
- (b) simplify administrative procedures, remedy any inadequate level of cooperative assets, and reduce the cost of loan transactions;
- (c) facilitate an autonomous system of finance for cooperatives, including savings and credit, banking and insurance cooperatives; and

(d) include special provisions for disadvantaged groups.

13. For the promotion of the cooperative movement, governments should encourage conditions favouring the development of technical, commercial and financial linkages among all forms of cooperatives so as to facilitate an exchange of experience and the sharing of risks and benefits.

IV. ROLE OF EMPLOYERS' AND WORKERS' ORGANIZATIONS AND COOPERATIVE ORGANIZATIONS, AND RELATIONSHIPS BETWEEN THEM

14. Employers' and workers' organizations, recognizing the significance of cooperatives for the attainment of sustainable development goals, should seek, together with cooperative organizations, ways and means of cooperative promotion.

15. Employers' organizations should consider, where appropriate, the extension of membership to cooperatives wishing to join them and provide appropriate support services on the same terms and conditions applying to other members.

16. Workers' organizations should be encouraged to:

- (a) advise and assist workers in cooperatives to join workers' organizations;
- (b) assist their members to establish cooperatives, including with the aim of facilitating access to basic goods and services;
- (c) participate in committees and working groups at the local, national and international levels that consider economic and social issues having an impact on cooperatives;
- (d) assist and participate in the setting up of new cooperatives with a view to the creation or maintenance of employment, including in cases of proposed closures of enterprises;
- (e) assist and participate in programmes for cooperatives aimed at improving their productivity;
- (f) promote equality of opportunity in cooperatives;
- (g) promote the exercise of the rights of worker-members of cooperatives; and
- (h) undertake any other activities for the promotion of cooperatives, including education and training.

17. Cooperatives and organizations representing them should be encouraged to:

- (a) establish an active relationship with employers' and workers' organizations and concerned governmental and non-governmental agencies with a view to creating a favourable climate for the development of cooperatives;
- (b) manage their own support services and contribute to their financing;

- (c) provide commercial and financial services to affiliated cooperatives;
- (d) invest in, and further, human resource development of their members, workers and managers;
- (e) further the development of and affiliation with national and international cooperative organizations;
- (f) represent the national cooperative movement at the international level; and
- (g) undertake any other activities for the promotion of cooperatives.

V. INTERNATIONAL COOPERATION

18. International cooperation should be facilitated through:

- (a) exchanging information on policies and programmes that have proved to be effective in employment creation and income generation for members of cooperatives;
- (b) encouraging and promoting relationships between national and international bodies and institutions involved in the development of cooperatives in order to permit:
 - (i) the exchange of personnel and ideas, of educational and training materials, methodologies and reference materials;
 - (ii) the compilation and utilization of research material and other data on cooperatives and their development;
 - (iii) the establishment of alliances and international partnerships between cooperatives;
 - (iv) the promotion and protection of cooperative values and principles; and
 - (v) the establishment of commercial relations between cooperatives;
- (c) access of cooperatives to national and international data, such as market information, legislation, training methods and techniques, technology and product standards; and
- (d) developing, where it is warranted and possible, and in consultation with cooperatives, employers' and workers' organizations concerned, common regional and international guidelines and legislation to support cooperatives.

VI. FINAL PROVISION

19. The present Recommendation revises and replaces the Co-operatives (Developing Countries) Recommendation, 1966.

**Extract from the Statement on the Cooperative Identity,
adopted by the General Assembly of the International
Co-operative Alliance in 1995.**

The cooperative principles are guidelines by which cooperatives put their values into practice.

Voluntary and open membership.

Cooperatives are voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

Democratic member control.

Cooperatives are democratic organizations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership. In primary cooperatives members have equal voting rights (one member, one vote) and cooperatives at other levels are also organized in a democratic manner.

Member economic participation.

Members contribute equitably to, and democratically control, the capital of their cooperative. At least part of that capital is usually the common property of the cooperative.

Members usually receive limited compensation, if any, on capital subscribed as a condition of membership. Members allocate surpluses for any or all of the following purposes: developing their cooperative, possibly by setting up reserves, part of which at least would be indivisible; benefiting members in proportion to their transactions with the cooperative; and supporting other activities approved by the membership.

Autonomy and independence.

Cooperatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.

Education, training and information.

Cooperatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their cooperatives. They inform the general public – particularly young people and opinion leaders – about the nature and benefits of cooperation.

Cooperation among cooperatives.

Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.

Concern for community.

Cooperatives work for the sustainable development of their communities through policies approved by their members.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Ninetieth Session which was held at Geneva and declared closed on 20 June 2002.

IN FAITH WHEREOF we have appended our signatures this twenty-first day of June 2002.

The President of the Conference,

JEAN-JACQUES ELMIGER

The Director-General of the International Labour Office,

JUAN SOMAVIA

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

For the Director-General of the International Labour Office:

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