Resolution 69 (1955)[1]

Reply to the Fourth Report of the International Labour Organisation

Parliamentary Assembly

In its preliminary reply of last September to the International Labour Organisation's Fourth Report on its activities, the Consultative Assembly welcomed the new form which the I. L. O. has given to its annual Report, which seems to imply in general terms a recognition of the ever-increasing share taken by the Council of Europe in the solution of those social problems that are common to all its members.

There is a growing need for co-operation between I. L. O. and the Council of Europe, and the attempt by I. L. O. to clarify the principles which should govern such cooperation comes at an appropriate moment.

The Assembly's comments will accordingly cover not only the position of I. L. O. with regard to questions concerning both organisations, but also the principles upon which the relations between them should be based.

I. Questions concerning both the Council of Europe and I. L. O.

(a) The Council of Europe's Programme of Work in the social field

The Assembly has noted that comments of the Governing Body on the Assembly's Opinion regarding the Programme of Work of the Council of Europe in the social field deal chiefly with questions of method. The Governing Body once again, and very rightly, emphasises the need for a tripartite approach to social problems through co-operation between Governments, employers and workers, as well as the importance of eliminating duplication by paying due regard to the separate, although complementary, roles of the Council of Europe and the I. L. O. and by seeking to develop all the possibilities offered by the Agreement between the two organisations.

The question of method is part of the general question of the relations between the Council of Europe and the I. L. O., and the A(a) The Council of Europe's Programme of Work in the social field ssembly proposes to deal with it in the second part of its reply.

(b) Creation of a European Economic and Social Council

The appropriate Committees of the Assembly have been informed of the preliminary Opinion given by the Governing Body of I. L. O. on the proposal to create a European Economic and Social Council within the framework of the Council of Europe.

The Assembly thanks the Governing Body for its comments, a number of which the Committees concerned have found of great interest and which they propose to examine in detail.

Without wishing at this point to go into the details of the reasons which led it to propose the establishment of such a Council, in Resolution 26 (1953), the Assembly, while still a waiting a final report from the Committees to which the question was referred, wishes to point out that the possibilities of consultation with professional

1. (seeDoc. 336, Draft Resolution of the Committee on Social Questions). This Resolution was adopted by the Assembly at its 6th Sitting, on 7th July, 1955

organisations offered under the Agreement between the Council and I. L. O. can hardly be compared with the role which would be filled by an Economic and Social Council, not only with regard to social questions but also with regard to economic and even political problems.

In addition to the facilities offered by I. L. O. which make it possible to consult only a limited number of employers' and workers' organisations in any given country- and that only in connection with strictly social problems- the Consultative Assembly or the Committee of Ministers may require opinions from different economic and social sectors in Europe, with certain of which I. L. O. may have no contact.

The various features by which a European Economic and Social Council would differ from the European Regional Conferences of I. L. O. are as clear as they are numerous.

(c) European Code of Social Security

The Assembly has already referred on numerous occasions to the importance which it attaches to this question and it welcomes the extremely valuable technical assistance which the highly efficient departments of the I. L. O. are able to place at the disposal of the Council's Committee of Experts.

(d) European Regional Conference of I. L. O.

In its preliminary reply last September the Assembly expressed its pleasure at the calling of the first European Regional Conference of I. L. O. and added the hope that the Conference would take as the basis for its work the principles set out in Recommendation 28 (1950) with regard to the financing of social security benefits and to the age of retirement. The Assembly will be giving its views on the conclusions reached by the Conference following the next report of the I. L. O.

(e) Social security for migrant workers

The Assembly appreciates the efforts made by I. L. O. to find a solution to the problem of social security for migrant workers. It again expresses the hope that the work undertaken in collaboration by I. L. O. and by the High Authority within the framework of the membership of E. C. S. C. will soon reach a satisfactory conclusion and feels certain that the results achieved at that level will greatly facilitate the work of the Council of Europe at the level of its fifteen member countries.

(f) Manpower problems

The Assembly welcomes the success of the various measures undertaken to provide vocational training which are referred to in the Report.

The Assembly feels it should draw the attention of I. L. O. to certain problems which are becoming ever more urgent with the accentuation of present demographic tendencies in Europe. Such problems include that of finding other types of work for older workers threatened with unemployment and that of providing vocational training for the rapidly growing numbers of young workers.

Another very pressing problem which requires special attention concerns the training for new employment of workers already unemployed or threatened with unemployment as a result of reconversion in their particular industry. The general tendency towards rationalisation in industry and expansion of productivity gives reason to suppose that Europe will have even greater and more numerous difficulties to face in this field in the future.

The Assembly considers that European Governments should make it their first concern to ensure that reconversion does not involve suffering for the workers, and hopes that the various contries will do their utmost, with the help of I. L. O., to perfect systems of vocational re-education.

(g) 37th Session of the International Labour Conference

The Assembly is in full agreement with the International Recommendation on holidays with pay [2][2]adopted at the 37th Session of the International Labour Conference. It also welcomes the Resolution on the reduction of hours of work and expresses the hope that it will result before long in the harmonisation of the working week throughout the various countries of Europe.

(h) Ratification of International Labour Conventions

The Assembly thanks I. L. O. for the information contained in its Report on the number of ratifications of the International Labour Conventions that have so far been deposited. It intends to examine this question in detail and to draw up a new list of the Conventions which it would like the Member States of the Council of Europe to ratify without delay. It intends in the immediate future to take special steps to obtain ratification of Convention No. 100 on equal pay for men and women for work of equal value.

Principles that should govern co-operation between the Council of Europe and I. L. O.

The Assembly fully shares the Governing Body's desire to see co-operation between the international organisations responsible for dealing with social questions based on a " proper co-ordination of effort, assured as far as possible by respect for fields of competence ". The application of this principle in the case of the collaboration between I. L. O. and the Council of Europe calls for examination.

The Governing Body considers that the competence of I. L. O. with regard to European social questions derives from the three following principles :

the need to make use of the technical means at the disposal of I. L. O. for the solution of international social problems ;

the need to induce the representatives of Governments, employers and workers to take decisions of principle on these problems at their meetings ;

the need to examine such problems in the world-wide context in which they necessarily find their proper place.

In its turn the Assembly feels that it should draw the Governing Body's attention to certain principles which provide a justification for the existence of the Council of Europe itself and, more particularly, for that of the Consultative Assembly.

(a) Advantages of regional institutions

While it is necessary to see social problems of a regional character in the perspective of their world context, it remains true that action of a limited scope undertaken within the framework of a regional organisation is more likely to be successful than an attempt to find the solution for a given problem on a world-wide basis. The closer the economic and social structure of any group of countries presenting a series of problems in the social field, the easier it is to find a common solution. This is true in every field and the fact constitutes the raison d'etre of all regional organisations. It goes without saying that such organisations can only fulfil their role adequately if the regions with which they are concerned have a real identity with regard to the problems considered. The fact that a region may appear to form a self-contained geographical unit does not necessarily mean that it is also a homogeneous social unit. There are more common features in the social problems of the American continent as compared with those of Western Europe than between the latter and those of Eastern Europe, In this respect the Western European nations form a comparatively homogeneous whole with regard to their social structure, even though standards of living may differ, and they may thus, from a social point of view, be said to constitute an adequate regional framework. It is this framework which the Committee on Social Questions of the Assembly would like to see applied to the composition of the Tripartite Regional Conference, and, in accordance with Article 3 (2) of the Agreement between the Council of Europe and I. L. O., the Assembly suggests submitting to the Tripartite Conference, for its opinion, the draft European Social Charter which is shortly to be drawn up by the Council.

(b) The Council of Europe as the general framework of European policy, including social policy

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2. This Recommendation states that all employees, with the exception of certain categories (which are subject to special provisions), should be entitled to an annual holiday with pay, which should be proportionate to the length of service performed with one or more employers during the year concerned and which should not be less than two working weeks for twelve months of service. The Recommendation states, in particular, that young workers under 18 years of age should receive an annual holiday with pay longer than the minimum fixed. The Recommendation lays down various methods for the application of its provisions, suggesting action by the public authorities or voluntary agencies (i. e. through legislation, statutory wage-fixing machinery, collective agreements, arbitration awards and any other methods consistent with national practice).

The second point to which the Assembly wishes to draw the Governing Body's attention is that the Council of Europe ought to be regarded as the general framework for European policy, including social policy. All work undertaken in connection with European integration as well as all European governmental activity, except in respect of military questions, falls within its competence. The Special Message of the Committee of Ministers transmitting the Programme of Work of the Council of Europe to the Sixth Session of the Assembly states :

" In the field set out in Article 1 (b) of the Statute, the Council is concerned with any problem, even one of a technical nature, the solution of which might promote greater unity among its members. "

The Council can thus take cognisance of any action aimed at harmonising industrial legislation or at raising social standards to the same level in all its member countries. It must be emphasised, however, that this conception in no way diminishes the validity of the I. L. O's claim to take part, on the basis of the three principles quoted by its Governing Body, in the examination by the Council of Europe of any social problem. In the same way there would, obviously, be no question of any studies in this field being undertaken by the Council of Europe without the latter having acquainted itself with any similar studies being undertaken in the I. L. O. and without full liaison between the two bodies.

(c) Rôle of the Consultative Assembly in respect of the activities undertaken by Member States to achieve the aims of the Council of Europe

The Assembly takes note of the statement in the Report from I. L. O. that the Special Message is to be brought to the notice of the Governing Body, which will find in it an analysis of the problem of co-ordination of the work of the Council of Europe with that of other international organisations such as I. L. O. The Assembly feels, however, that it should complete this section of the Message by explaining the exact terms of reference of the Assembly, as they exist within the general terms of reference of the Council, and thus lay down the third rule which, in its view, should govern the whole of its co-operation with international organisations. The Consultative Assembly has always considered that its mission with regard to European intergovernmental activity was not only to initiate recommendations but also to supervise their implementation. It is this dual rôle, and particularly the second aspect of it, which gives to the Council of Europe, as an international body, a character entirely different from that of the intergovernmental organisations. In paragraph 16 of the Special Message, the Committee of Ministers recognises the Assembly's right to take any action likely to promote closer unity between its Members, whether or not such action is under consideration by another international organisation :

" Almost all other international organisations have a ministerial body ; very few, a parliamentary. It will usually be undesirable for our Committee (i.e. the Committee of Ministers) to study the same problem at the same time as the ministerial body of another international organisation. But it may often be helpful for the Assembly to do so, because it looks upon the issues before it from a different angle. "

It remains for the Assembly to emphasise here its directing, and, consequently, its supervisory functions with regard to European intergovernmental activities, and, moreover, to point out that, as in many cases these activities do not form the subject of discussion in the national Parliaments, they can be usefully discussed, and should be discussed in the Assembly. It is with this end in view that the Assembly asks to be kept fully informed of the I. L. O's European activities, not in order to control the action of this Organisation, which is done by other constitutional procedures, but in order to keep itself fully in touch with the attitude taken by the Governments of Members of the Council with regard to the International Labour Conventions and Recommendations, whether in connection with their drafting, ratification or application. It will be agreed that the scope of application of this principle is too wide to allow the principle itself to pass without mention.

The attempt has been made in the above paragraphs to define certain rules which both I. L. O. and the Council should respect if they are to achieve that complete co-operation in their search for a solution to the various European social problems which they both wish to see established and which they are by way of achieving.