

CONVENTION (NO. 88) CONCERNING THE ORGANISATION OF THE EMPLOYMENT SERVICE

Note: The Convention was concurred in by the Senate, S.R. No. 140, May 21, 1953. The Philippine instrument of ratification was signed by the President, October 28, 1953 and was deposited with the Director-General of the ILOA December 29, 1953. The Convention entered into force, August 22, 1950 and with respect to the Philippines, December 29, 1954.

Reference: This Convention is also published in 70 UNTS, p. 336.

The General Conference of the International Labour Organisation,

Having been convened at San, Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals concerning the organisation of the employment service, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Employment Service Convention, 1948:

ARTICLE 1

1. Each Member of the International Labour Organisation for which this Convention is in force shall maintain or ensure the maintenance of a free public employment service.

2. The essential duty of the employment service shall be to ensure, in cooperation where necessary with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

ARTICLE 2

The employment service shall consist of a national system of employment offices under the direction of a national authority.

ARTICLE 3

1. The system shall comprise a network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers.

2. The organisation of the network shall—

(a) be reviewed—

- (i) whenever significant changes occur in the distribution of economic activity and of the working population, and.
- (ii) whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation, and

(b) be revised whenever such review shows revision to be necessary.

ARTICLE 4

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy.
2. These arrangements shall provide for one or more national advisory committees and where necessary for regional and local committees.
3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with representative organisations of employers and workers, where such organisations exist.

ARTICLE 5

The general policy of the employment service in regard to referral of workers to available employment shall be developed after consultation of representatives of employers and workers through the advisory committees provided for in Article 4.

ARTICLE 6

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall —

(a) assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall, in accordance with rules framed on a national basis —

- (i) register applicants for employment, take note of their occupational qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational training or retraining,
- (ii) obtain from employers precise information on vacancies notified by them to the service and the requirements to be met by the workers whom they are seeking,
- (iii) refer to available employment applicants with suitable skills and physical capacity,
- (iv) refer applicants and vacancies from one employment office to another, in cases in which the applicants cannot be

suitably placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action;

(b) take appropriate measures to —

(i) facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations,

(ii) facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities,

(iii) facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers,

(iv) facilitate any movement of workers from one country to another which may have been approved by the government concerned;

(c) collect and analyze, in co-operation where appropriate with other authorities and with management and trade unions, the fullest available information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned, and the general public;

(d) co-operate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed; and

(e) assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

ARTICLE 7

Measures shall be taken —

(a) to facilitate within the various employment offices specialization by occupations and by industries, such as agriculture and any other branch of activity in which such specialization may be useful; and

(b) to meet adequately the needs of particular categories of applicants for employment, such as disabled persons.

ARTICLE 8

Special arrangements for juveniles shall be initiated and developed within the framework of the employment and vocational guidance services.

ARTICLE 9

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are independent of changes of

government and of improper external influences and, subject to the needs of the service, are assured of stability and employment.

2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.

3. The means of ascertaining such qualifications shall be determined by the competent authority.

4. The staff of the employment service shall be adequately trained for the performance of their duties.

ARTICLE 10

The employment service and other public authorities where appropriate shall, in co-operation with employers' and workers' organisations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis.

ARTICLE 11

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

ARTICLE 12

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

ARTICLE 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the