



International Labour Office
Bureau international du Travail
Oficina Internacional del Trabajo

International Labour Office
Bureau international du Travail
Oficina Internacional del Trabajo

Route des Morillons 4
CH-1211 Genève 22

Tél. direct:
Fax direct:
E-mail: tortell@ilo.org

Réf.: ACD 36-01-1
Votre réf.:

The Minister for Employment
Ved Stranden 8
1061 COPENHAGEN K
Denmark

E-mail: bm@bm.dk
E-mail: gvamis@um.dk

Geneva, 2 August 2018

By e-mail only

Follow-up to the recommendations of the Standards Review Mechanism Tripartite Working Group

Dear Sir,

The ILO is stepping up its efforts to bring its body of international labour standards up to date and ensure their relevance to the world of work. The tripartite working group established by the Governing Body under the Standards Review Mechanism (SRM) in 2015 is an important part of this exercise. Such measures are necessarily complementary to measures taken by Members at the national level; this is particularly clear in terms of the follow-up to the recommendations of the SRM Tripartite Working Group, as approved by the Governing Body.

In October 2016, at its second meeting, the SRM Tripartite Working Group made significant recommendations in relation to standards that had been previously identified as outdated, subsequently approved by the Governing Body at its 328th session (November 2016).¹ It is with regard to the follow-up to those recommendations that I now write to you.

The SRM Tripartite Working Group recommended that member States with ratifications of any of the 30 outdated Conventions should consider ratifying more up to date Conventions on the same subjects. It also asked the Office to provide member States with further information concerning the denunciation of outdated Conventions.² This is relevant to Denmark, as three outdated conventions are in force in the country (see attached table): the Holidays with Pay Convention, 1936 (No. 52), the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18) and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42).

In particular, the SRM Tripartite Working Group asked the Office to encourage Denmark to consider the following:

¹ The recommendations of the SRM Tripartite Working Group formed the basis of decisions of the Governing Body in October 2016: see [GB.328/LILS/2/1](#).

² See ILO [Handbook of procedures relating to international labour Conventions and Recommendations](#) (Revised edition 2012), Chapter X.

- *In the area of working hours (annual leave)*: Ratifying the Holidays with Pay Convention (Revised), 1970 (No. 132), which is the most up to date instrument in this field, and accepting its obligations in respect of persons employed in sectors other than agriculture.³ By doing so, Denmark would automatically denounce the outdated Convention No. 52.
- *In the area of social security (employment injury)*: Since Denmark has ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102) and accepted the obligations in its Part VI (*employment injury benefit*), the country may choose to explicitly denounce the outdated Conventions No. 18 and No. 42. Conventions No. 18 may be denounced at any time, whereas Convention No. 42 may be denounced next during the window 17 June 2021 – 17 June 2022.

The first step towards the ratification of more up to date Conventions and denunciation of outdated Conventions should be effective tripartite consultation on the measures to be taken within the framework of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). In this regard, as well as in relation to the application of Conventions at the national level, I wish to assure you that the Office remains fully available to provide any additional information or technical assistance that Denmark would find helpful in following up the recommendations of the SRM Tripartite Working Group.

The Office will be in touch shortly to facilitate the provision of any support your country may request.

Yours faithfully,



Corinne Vargha
Director of the International Labour
Standards Department

³ In its [direct request](#) on the application of Convention No. 52 (published in 2010), the Committee of Experts noted that the ratification of Convention No. 132 would be all the more advisable as the legislation of Denmark, which provides for a minimum duration of annual paid leave of five working weeks, is significantly more favourable than the standard set out in Convention No. 52 and appears to be in substantial conformity with the requirements of Convention No. 132.

DENMARK:

RATIFICATION OF OUTDATED CONVENTIONS AND ASSOCIATED MORE UP TO DATE CONVENTIONS

Sub-topic of Conventions	Outdated Conventions (bold ratified by Denmark)	Related more up to date Conventions (bold ratified by Denmark)
Employment policy and promotion	C.34	C.181
Working hours (annual leave)	C.52 , C.101	C.132
Working hours (shift work)	C.43, C.49	-
Night work	C.20	C.171
OSH (construction)	C.62	C.167
Social security (medical care and sickness)	C.24, C.25	C.130 or C.102 (Pt II & III)
Social security (old age, invalidity and survivors' benefits)	C.35, C.36, C.37, C.38, C.39, C.40	C.128 (Pt. II, III & IV) or C.102 (Pt. V, IX & X)
Social security (employment injury)	C.17, C.18 , C.42	C.121 or C.102 (Pt. VI)
Social security (unemployment benefit)	C.44	C.102 (Pt. IV) or C.168
Social security (migrant workers)	C.48	C.157
Maternity protection	C.103	C.183
Statistics	C.63	C.160
Children and young persons	C.5, C.10, C.33, C.59, C.123	C.138 , C.182
Indigenous peoples	C.107	C.169
Dock workers	C.32	C.152
Fishers	C.112	C.188