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URGENT

Dear [REDACTED]

I refer to your letter of 12 October 2004 in which you ask for an opinion on the meaning of Article 9, paragraph 1, of the Employment Service Convention, 1948 (No. 88). I am pleased to offer some indications in that respect, subject to the usual understanding that the Constitution of the International Labour Organization confers no special competence upon the International Labour Office to give an authentic interpretation of the provisions of international Labour Conventions and that any decision as to the conformity of national legislation and practice with a particular Convention should lie in the first instance with the Government of the country concerned, subject, in the case of a ratified Convention, to the views of the supervisory bodies of the ILO.

You wish to know: a) whether, in that provision, the word "staff" means personnel holding managerial positions, or personnel who perform employment exchange services and employment counselling services in general; and b) if, under the same provision, all the staff of the employment service, or only part of the staff, shall be composed of public officials.

It would appear sensible to infer from the explanation given in Mr. Picard's letter of 30 September 2004 that, when adopting the Convention: a) no distinction was made by the Conference between personnel holding managerial positions and the rest of the personnel comprising the staff of the employment service for the purpose of Article 9 of the Convention; and b) it was not the intent of the Conference to prevent the employment service from having resort to the recruitment of temporary collaborators, in addition to the staff covered by the provisions of Article 9 of the Convention, to address special or temporary needs.



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JAPANESE MISSION

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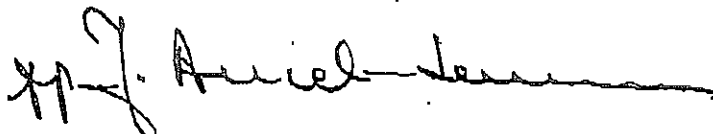
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I hope these indications will be of assistance.

Yours sincerely,
For the Director-General:



Cleopatra Doumbia-Henry,
Director of the International Labour
Standards Department.