

否應與中止為本安排締約方的成員結帳。退出於保存人收到退出通知九十天之後生效。

### 第二十三條 否定權利

若理事會確定某一成員違反其根據本安排所承擔的義務，而且此類違反行為嚴重阻礙實現本安排的宗旨或活動，理事會可在其確定的期間內禁止該成員行使本安排所規定的任何或所有權利和特權，但第二十二條所規定的退出權不在此限。

### 第二十四條 有效期

理事會應於1985年下半年召開一屆特別會議，審議本安排是否可不經修改或經修改後加以延期、中止。

### 第二十五條 保留

對本安排的任何規定，不得作任何保留。

列經正式授權的簽署人在註明的日期在本安排上簽字，以資證明。

1984年5月21日訂於日內瓦，本安排的阿拉伯文本、中文本、英文本和西班牙文本都具有同等效力。

### 第 41/2016 號行政長官公告

中華人民共和國於一九九九年十二月十三日以照會通知聯合國秘書長，一九一九年四月十一日的《國際勞工組織章程》（下稱“章程”）自一九九九年十二月二十日起適用於澳門特別行政區；

章程經一九二二年、一九四五年、一九四六年、一九五三年、一九六二年及一九七二年的修正案修訂；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈經修訂的章程的中文及英文文本。

二零一六年五月十七日發佈。

行政長官 崔世安

The Council shall determine any settlement of accounts with a Member which ceases to be a party to this Arrangement. Withdrawal shall become effective 90 days after the notice is received by the depositary.

### ARTICLE 23 Denial of Rights

If the Council determines that any Member is in default of its obligations under this Arrangement, such default significantly impairing the realization of the objectives or the operation of this Arrangement, the Council may bar for such period as it may determine that Member from the exercise of any or all rights and privileges arising out of this Arrangement with the exception of the right of withdrawal under article 22.

### ARTICLE 24 Duration

The Council shall meet in a special session in the latter half of 1985, to consider whether this Arrangement should be extended, with or without modifications, or discontinued.

### ARTICLE 25 Reservations

Reservations may not be made with respect to any of the provisions of this Arrangement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have affixed their signatures under this Arrangement on the dates indicated.

Done at Geneva on the twenty-first day of May, one thousand nine hundred and eighty-four, the texts of this Arrangement in the Arabic, Chinese, English and Spanish languages being equally authentic.

### Aviso do Chefe do Executivo n.º 41/2016

Considerando que a República Popular da China, por nota datada de 13 de Dezembro de 1999, notificou o Secretário-Geral das Nações Unidas sobre a aplicação da Constituição da Organização Internacional do Trabalho, datada de 11 de Abril de 1919, adiante designada por Constituição, na Região Administrativa Especial de Macau, a partir de 20 de Dezembro de 1999;

Considerando igualmente que a Constituição foi objecto de Emendas em 1922, 1945, 1946, 1953, 1962 e 1972;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a Constituição, tal como emendada, nos seus textos em línguas chinesa e inglesa.

Promulgado em 17 de Maio de 2016.

O Chefe do Executivo, *Chui Sai On*.

**國際勞工組織章程****序言**

鑑於只有以社會正義為基礎，才能建立世界持久和平；

鑑於現有的勞動條件使大量的人遭受不公正、苦難和貧困，以致產生如此巨大的不安，竟使世界和平與和諧遭受危害；改善此種條件是當務之急：例如，調整工時，包括制定最大限度工作日和工作周，調節勞動力供應，防止失業，規定足夠維持生活的工資，對工人因工患病和因工負傷予以防護，保護兒童、青年和婦女，規定養老金和殘廢撫恤金，保護工人在外國受僱時的利益，承認同工同酬的原則，承認結社自由的原則，組織職業教育和技術教育，及其他措施；

鑑於任何一國不採用合乎人道的勞動條件，會成為其他國家願改善其本國狀況者的障礙；

各締約國出於正義和人道的感情，以及謀求世界永久和平的願望，並為實現本序言所提出的各項目標，贊同下列國際勞工組織章程：

**第一章****組織****第1條****建立**

1. 為促使實現本章程序言所提出的各項目標和一九四四年五月十日在費城通過的關於國際勞工組織的目的與宗旨的宣言（全文附後）所闡明的各項目標，因此建立一個永久性組織。

**成員資格**

2. 國際勞工組織成員國，應為在一九四五年十一月一日已是本組織成員國的國家，以及按本條第3、第4款的規定而得以成為成員國的其他國家。

3. 凡聯合國創始成員國和經聯合國大會依照其憲章規定接納為聯合國成員國的任何國家，在其函告國際勞工局局長正式接受國際勞工組織章程所載義務後，可成為國際勞工組織成員國。

4. 國際勞工組織的大會經三分之二到會代表，其中包括三分之二到會並參加投票的政府代表投票贊成，也可接納本組織的

**Constitution of the International Labour Organization****Preamble**

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organization:

**Chapter I - Organization****Article I****ESTABLISHMENT**

1. A permanent organization is hereby established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labour Organization adopted at Philadelphia on 10 May 1944, the text of which is annexed to this Constitution.

**MEMBERSHIP**

2. The Members of the International Labour Organization shall be the States which were Members of the Organization on 1 November 1945 and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this article.

3. Any original member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organization by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organization.

4. The General Conference of the International Labour Organization may also admit Members to the Organization by a vote concurred in by two-thirds of the delegates attending

成員國。這類入會須在新成員國政府函告國際勞工局局長正式接受國際勞工組織章程所載義務後生效。

### 退出

5. 國際勞工組織成員國未將其退出意圖通知國際勞工局局長不得退出本組織。此項通知須在局長收到之日起兩年後生效，而且，該成員國屆時必須已經履行其成員國的全部財務義務。如該成員國曾批准某項國際勞工公約，其退出組織不應影響在公約規定期限內公約本身的及有關的義務繼續有效。

### 重新加入

6. 凡已停止為本組織成員國的國家，如重新加入為成員國應按本條第3、第4款的規定辦理。

## 第2條 機構

永久性組織應包括：

- (a) 成員國代表大會；
- (b) 根據第7條組成的理事會；和
- (c) 在理事會管轄下的國際勞工局。

## 第3條 大會

### 會議和代表

1. 成員國代表大會應在必要時隨時召開會議，每年至少一次。大會應由成員國各派四名代表組成，其中二人應為政府代表，另二人分別代表各該國的僱主和工人。

### 顧問

2. 每一代表可隨帶顧問，其人數就會議議程每一項目而言不得超過二人。在大會準備審議同婦女特別有關的問題時，顧問中至少須有一名婦女。

the session, including two-thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the government of the new Member of its formal acceptance of the obligations of the Constitution of the Organization.

## WITHDRAWAL

5. No Member of the International Labour Organization may withdraw from the Organization without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

## READMISSION

6. In the event of any State having ceased to be a Member of the Organization, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this article as the case may be.

## Article 2

### ORGANS

The permanent organization shall consist of:

- (a) a General Conference of representatives of the Members;
- (b) a Governing Body composed as described in article 7; and
- (c) an International Labour Office controlled by the Governing Body.

## Article 3

### Conference

### MEETINGS AND DELEGATES

1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

### ADVISERS

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

## 來自非本部領土的顧問

3. 凡負責非本部領土對外關係的成員國，可給它的每個代表委派附加的顧問：

(a) 由它指定的在有關任何此種領土自治權力內的事項方面代表該領土的人員；和

(b) 由它指定的在有關非自治領土事項方面備其代表諮詢的人員。

4. 如為兩個或兩個以上成員國共管的領土，可指派人員備這類成員國代表諮詢。

## 指派非政府代表

5. 各成員國保證指派非政府代表和顧問，如各該成員國內存在最有代表性的僱主或工人的產業團體，其人選應徵得它們的同意。

## 顧問的地位

6. 顧問需經他所陪同代表的請求，並經大會主席特許，始有發言權，但無表決權。

7. 代表可用書面通知主席，委派其顧問之一為其代理人。該顧問按此行事時，應有發言權和表決權。

8. 代表及其顧問的姓名，由各成員國政府通知國際勞工局。

## 證書

9. 代表及其顧問的證書應受大會審查。大會經到會代表的三分之二多數票通過，可拒絕接受它認為未按本條規定指派的任何代表或顧問。

**第4條**  
**表決權**

1. 每名代表對於大會所審議的一切事項，享有單獨表決的權利。

2. 如一成員國在它所應派的非政府代表中少派一人時，其另一非政府代表可出席大會並發言，但無表決權。

3. 如按照第3條的規定，大會拒絕一成員國的某一代表參加，則實施本條各項規定時，應視該代表為未經委派。

**ADVISERS FROM NON-METROPOLITAN  
TERRITORIES**

3. Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:

(a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and

(b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.

4. In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.

**NOMINATION OF NON-GOVERNMENTAL  
REPRESENTATIVES**

5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

**STATUS OF ADVISERS**

6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

8. The names of the delegates and their advisers will be communicated to the International Labour Office by the government of each of the Members.

**CREDENTIALS**

9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this article.

**Article 4**

**Voting rights**

1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present article shall apply as if that delegate had not been nominated.

**第5條**  
**大會會議的地點**

除上屆大會已作決定者外，大會會議應在理事會決定的地點舉行。

**第6條**  
**國際勞工局局址**

國際勞工局局址的變動，應由大會經出席代表的三分之二多數票通過予以決定。

**第7條**  
**理事會**

**構成**

1. 理事會由五十六人組成：

代表政府的二十八人，

代表僱主的十四人，

代表工人的十四人。

**政府代表**

2. 代表政府的二十八人中，十人應由主要工業成員國委派，十八人應由不包括上述十個成員國的出席大會的政府代表所選定的成員國委派。

**主要工業成員國**

3. 理事會應在必要時決定哪些國家為本組織的主要工業成員國，並應制定規章，以保證有關選定主要工業成員國的一切問題在理事會作出決定前，先由一公平的委員會加以審議。成員國對理事會宣告哪些國家為主要工業成員國一事所提出的任何申訴應由大會裁決。但在大會裁決前，提交大會的申訴不得中止上述宣告的實施。

**僱主和工人代表**

4. 代表僱主和代表工人的理事應由出席大會的僱主代表和工人代表分別選出。

**任期**

5. 理事會任期3年。如由於某種原因，理事會的選舉未能在任期屆滿時舉行，理事會應留任到進行此種選舉時為止。

**Article 5**

**Place of meetings of the Conference**

The meetings of the Conference shall, subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.

**Article 6**

**Seat of the International Labour Office**

Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.

**Article 7**

**Governing Body**

**COMPOSITION**

1. The Governing Body shall consist of fifty-six person

Twenty-eight representing governments,

Fourteen representing the employers, and

Fourteen representing the workers.

**GOVERNMENT REPRESENTATIVES**

2. Of the twenty-eight persons representing governments, ten shall be appointed by the Members of chief industrial importance, and eighteen shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the ten Members mentioned above.

**STATES OF CHIEF INDUSTRIAL IMPORTANCE**

3. The Governing Body shall as occasion requires determine which are the Members of the Organization of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

**EMPLOYERS' AND WORKERS' REPRESENTATIVES**

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the Employers' delegates and the Workers' delegates to the Conference.

**TERM OF OFFICE**

5. The period of office of the Governing Body shall be three years. If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.

## 缺額、代理人等

6. 補充缺額和委派代理人的方法及其他類似問題，可由理事會決定，但須經大會批准。

## 負責人

7. 理事會應從理事中選舉一位主席，兩位副主席。此三人中應有一人代表某一政府，一人代表僱主，一人代表工人。

## 程序

8. 理事會應自行規定其議事程序和決定其開會日期。如經十六名以上理事書面請求，應召集特別會議。

## 第8條

## 局長

1. 國際勞工局應設局長一人，由理事會任命。局長遵照理事會的指示，應負責有效地領導國際勞工局和其他交辦事項。

2. 局長或其代表應出席理事會的一切會議。

## 第9條

## 職員

## 委派

1. 國際勞工局的職員由局長依據理事會批准的規則委派。

2. 局長在對國際勞工局工作效率予以應有照顧的情況下，應儘可能選用不同國籍的人員。

3. 這些人員中應有一定人數的婦女。

## 職責的國際性質

4. 局長和全體職員的職責應純屬國際性質。在執行任務時，局長和全體職員不應謀求或接受任何政府或本組織以外的任何其他當局的指示。作為只對本組織負責的國際官員，他們不應採取任何可能妨害這一身份的行動。

5. 本組織各成員國保證尊重局長和全體職員所負職責的純國際性質，不在他們行使職責時設法對他們施加影響。

## VACANCIES, SUBSTITUTES, ETC.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

## OFFICERS

7. The Governing Body shall, from time to time, elect from its number a chairman and two vice-chairmen, of whom one shall be a person representing a government, one a person representing the employers, and one a person representing the workers.

## PROCEDURE

8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least sixteen of the representatives on the Governing Body.

## Article 8

## Director-General

1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The Director-General or his deputy shall attend all meetings of the Governing Body.

## Article 9

## Staff

## APPOINTMENT

1. The staff of the International Labour Office shall be appointed by the Director-General under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the Director-General shall select persons of different nationalities.

3. A certain number of these persons shall be women.

## INTERNATIONAL CHARACTER OF RESPONSIBILITIES

4. The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

5. Each Member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

**第10條**  
**勞工局的職能**

1. 國際勞工局的職能應包括搜集和傳播有關勞工條件和勞動制度的國際規定方面的一切信息，特別應研究為了制定國際公約而擬交大會討論的各種問題，並應進行大會或理事會所指定的特別調查。

2. 勞工局遵照理事會可能給予的上述指示，應從事：

(a) 為大會議程的各項議題準備文件；

(b) 應各國政府請求，在力所能及的範圍內，就制訂以大會決定為根據的規章法令及改進行政措施與檢查制度方面，向各國政府提供一切適宜的幫助；

(c) 行使本章程所規定要求國際勞工局在切實遵守公約方面應盡的職責；

(d) 用理事會認為需要的語種編輯和發行國際上所關心的有關工業和就業問題的出版物。

3. 該局一般應具有大會或理事會可能授予的其他權力和職責。

**第11條**  
**同政府的關係**

任何成員國主管產業和就業問題的政府部門均可通過該國參加國際勞工局理事會的政府理事，如無政府理事時，則可通過該國政府為此指派的其他合格官員，直接同局長聯繫。

**第12條**  
**同國際組織的關係**

1. 國際勞工組織在本章程規定的範圍內，應同任何負責協調具有專業職責的國際公共組織的活動的綜合性國際組織合作，在有關領域中應同具有專業職責的國際公共組織合作。

2. 國際勞工組織可作出適當安排，使各國公共組織的代表得以參加其討論，但無表決權。

3. 國際勞工組織可作出適當安排，在它認為需要時同公認的非政府國際組織，包括僱主、工人、農民和合作社社員的國際組織進行協商。

**Article 10**  
**Functions of the Office**

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. Subject to such directions as the Governing Body may give, the Office shall:

(a) prepare the documents on the various items of the agenda for the meetings of the Conference;

(b) accord to governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;

(c) carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions;

(d) edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

**Article 11**  
**Relations with governments**

The government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the government may nominate for the purpose.

**Article 12**  
**Relations with international organizations**

1. The International Labour Organization shall cooperate within the terms of this Constitution with any general international organization entrusted with the coordination of the activities of public international organizations having specialized responsibilities and with public international organizations having specialized responsibilities in related fields.

2. The International Labour Organization may make appropriate arrangements for the representatives of public international organizations to participate without vote in its deliberations.

3. The International Labour Organization may make suitable arrangements for such consultation as it may think desirable with recognized non-governmental international organizations, including international organizations of employers, workers, agriculturists and cooperators.

**第13條**  
**財務和預算安排**

1. 國際勞工組織可以和聯合國共同作出有關財務和預算的適當安排。
2. 在上述安排未確定或未實施前：
  - (a) 各成員國將支付其派往大會的代表及顧問以及出席理事會會議的理事的旅費和生活費；
  - (b) 國際勞工局和大會或理事會會議的其他一切費用，應由國際勞工局局長從國際勞工組織總經費中撥付；
  - (c) 關於國際勞工組織預算的核准、分攤和徵收的各項安排，應由大會經出席代表的三分之二多數票通過決定。此項安排應規定，預算和本組織各成員國分攤經費的辦法，須經政府代表組成的委員會核准。
3. 國際勞工組織的經費應由各成員國按照本條第1款或第2款(c)所作的安排負擔。

**欠交會費**

4. 成員國欠交本組織的會費，如等於或超過它前兩個全年應交會費全額時，該成員國在大會、理事會、各種委員會中或選舉理事會理事時，不得參加投票；除非大會確信上述欠交會費是由於當事國無法控制的原因造成的，經出席大會代表的三分之二多數票通過，可准許該成員國參加投票。

**局長的財務職責**

5. 對於國際勞工組織經費的正當開支，國際勞工局局長應向理事會負責。

**第二章**  
**程序**

**第14條**  
**大會議程**

1. 大會一切會議的議程均由理事會決定。任何成員國政府或按第3條的意圖所承認的任何代表性團體或任何國際公共組

**Article 13**

**Financial and budgetary arrangements**

1. The International Labour Organization may make such financial and budgetary arrangements with the United Nations as may appear appropriate.
2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force:
  - (a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;
  - (b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director-General of the International Labour Office out of the general funds of the International Labour Organization;
  - (c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organization shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organization by a committee of Government representatives.
3. The expenses of the International Labour Organization shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this article.

**ARREARS IN PAYMENT OF CONTRIBUTIONS**

4. A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

**FINANCIAL RESPONSIBILITY OF  
DIRECTOR-GENERAL**

5. The Director-General of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organization.

**Chapter II - Procedure**

**Article 14**

**AGENDA FOR CONFERENCE**

1. The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the government



織對議程有任何建議時，理事會均應加以考慮。

#### 大會的籌備

2. 理事會應制訂規章，以保證在大會通過公約或建議書前，利用預備會議或其他方式，作詳盡的技術準備，並同主要有關各成員國作充分的協商。

#### 第15條

##### 大會議程和報告的傳送

1. 局長應任大會秘書長，並應在大會開會四個月之前將議程送達各成員國，在非政府代表派定後再經由各該成員國送達這些代表。

2. 議程中各項議題的報告應及時寄達各成員國，使它們在大會會議前能作充分考慮。理事會應訂立規則實施此項規定。

#### 第16條

##### 議程的反對意見

1. 任何成員國政府均可正式反對把某一項目或某些項目列入議程。反對的理由應在送交局長的聲明書中說明，局長應將聲明書分送本組織各成員國。

2. 凡被反對的項目，如經出席大會代表投票表決，有三分之二多數票贊成審議時，不得被排除於議程之外。

#### 大會列入新項目

3. 如經出席大會代表的三分之二多數票贊成，決定某問題（屬前款情況以外者）應由大會審議，該問題應列入下次會議議程。

#### 第17條

##### 大會負責人、程序及委員會

1. 大會應選舉主席一人，副主席三人。副主席中，一人應為政府代表，一人應為僱主代表，一人應為工人代表。大會應規定本身的會議程序，並可成立各種委員會審議任何事項和提出報告。

of any of the Members or by any representative organization recognized for the purpose of article 3, or by any public international organization.

#### PREPARATION FOR CONFERENCE

2. The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

#### Article 15

##### Transmission of agenda and reports for Conference

1. The Director-General shall act as the Secretary-General of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

#### Article 16

##### Objections to agenda

1. Any of the governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the Director-General who shall circulate it to all the Members of the Organization.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the delegates present is in favour of considering them.

#### INCLUSION OF NEW ITEMS BY CONFERENCE

3. If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

#### Article 17

##### Officers of Conference, procedure and committees

1. The Conference shall elect a president and three vice-presidents. One of the vice-presidents shall be a Government delegate, one an Employers' delegate and one a Workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.

## 表決

2. 除本章程或任何公約或授予大會權力的其他文件或根據第13條所通過關於財務和預算安排的條款已另作明確規定者外，一切事項均應經出席代表投票以簡單多數票作出決定。

## 法定人數

3. 除非投票總數等於出席大會代表的半數，否則表決無效。

**第18條**  
**技術專家**

大會可給它所任命的任何委員會增添無表決權的技術專家。

**第19條**  
**公約和建議書**

## 大會的決定

1. 如大會已決定採納關於議程中某一項目的建議時，大會需決定這些建議應採用的形式：(a) 國際公約，或 (b) 建議書，以適應所涉及的事項，或其一個方面當時不適於制定公約的情況。

## 要求的票數

2. 無論公約或建議書，大會在進行最後表決時，都必須經出席代表的三分之二多數票通過。

## 針對當地特殊條件的變通辦法

3. 大會在草擬普遍適用的公約或建議書時，應適當考慮到，在某些國家中，因氣候條件、產業組織發展不完善或其他特殊情況而使產業條件有很大差異，並應提出它認為需要的變通辦法，以適應此類國家情況。

## 正式文本

4. 公約或建議書應各有兩份由大會主席和局長簽字確證，其中一份存國際勞工局檔案，另一份送聯合國秘書長備案。局長應將簽署過的公約或建議書副本一份送交每一成員國。

## VOTING

2. Except as otherwise expressly provided in this Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.

## QUORUM

3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.

*Article 18*  
**Technical experts**

The Conference may add to any committees which it appoints technical experts without power to vote.

*Article 19*  
**Conventions and Recommendations**  
**DECISIONS OF THE CONFERENCE**

1. When the Conference has decided on the adoption of proposals with regard to an item on the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

## VOTE REQUIRED

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

## MODIFICATIONS FOR SPECIAL LOCAL CONDITIONS

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

## AUTHENTIC TEXTS

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

成員國在公約方面的義務

5. 關於公約：

(a) 公約應送交各成員國以備批准；

(b) 各成員國保證至遲在大會閉幕後一年內，或因特殊情況不能在一年內辦理的，則應儘早但無論如何不得遲於大會閉幕十八個月內，將公約提交主管機關，以便制定法律或採取其他行動；

(c) 成員國應將它依照本條將公約提交上述主管機關方面所採取的措施，隨同有關主管機關本身及其所採取行動的詳細情況，通知國際勞工局局長；

(d) 成員國如獲得主管機關同意，應將公約的正式批准書送交局長，並採取必要行動，使該公約各條款發生效力；

(e) 成員國如未能獲得主管機關同意，則不再負有義務，但應按理事會的要求，每隔適當時期，向國際勞工局局長報告該國與公約所訂事項有關的法律及實際情況，說明通過立法、行政措施、集體合同或其他方法，使公約的任何條款得到實施或打算付諸實施的程度，並申述有何困難阻礙或推遲該公約的批准。

成員國在建議書方面的義務

6. 關於建議書：

(a) 建議書應送交各成員國考慮，以便通過國家立法或其他方法予以實施；

(b) 各成員國保證至遲在大會閉幕後一年內，或因特殊情況不能在一年內辦理的，則應儘早但無論如何不得遲於大會閉幕十八個月內，將建議書提交主管機關，以便制定法律或採取其他行動；

(c) 成員國應通知國際勞工局局長它已依照本條規定採取何種措施，將該建議書提交上述主管機關，並將有關主管機關本身及其所採取行動的詳細情況隨同上報；

**OBLIGATIONS OF MEMBERS IN RESPECT OF CONVENTIONS**

5. In the case of a Convention:

(a) the Convention will be communicated to all Members for ratification;

(b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;

(c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;

(e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

**OBLIGATIONS OF MEMBERS IN RESPECT OF RECOMMENDATIONS.**

6. In the case of a Recommendation:

(a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;

(b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;

(c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) 除將建議書送交主管機關外，成員國不再負有其他義務，但應按理事會的要求，每隔適當時期，向國際勞工局局長報告該國與建議書所訂事項有關的法律及實際情況，說明建議書各條款已經實施或打算付諸實施的程度，以及在採納或實施此種規定方面已發現或可能發現有必要進行的修改。

#### 聯邦國家的義務

##### 7. 關於聯邦國，應適用下列規定：

(a) 如聯邦政府認為，根據其憲法制度，公約和建議書宜由聯邦採取行動的，則聯邦國成員的義務和非聯邦國成員的相同；

(b) 如聯邦政府認為，根據其憲法制度，公約和建議書的全部或部分宜由其組成的各邦、各省或各州採取行動，而不由聯邦採取行動，則聯邦政府應：

(i) 至遲在大會閉幕後十八個月內，根據聯邦憲法和有關邦、省或州的憲法作出有效安排，將該公約和建議書送交聯邦或邦、省、州的適當的機關，以便制定法律或採取其他行動；

(ii) 在取得有關邦、省或州政府同意的情況下，安排聯邦同邦、省或州主管機關之間的定期協商，以便在聯邦之內促進協調行動，使該公約及建議書各條款生效；

(iii) 通知國際勞工局局長它已依照本條規定採取何種措施，將該公約和建議書提交聯邦、邦、省或州的適當的機關，並將有關主管機關及其所採取行動的詳細情況隨同上報；

(iv) 關於未經聯邦批准的每一公約，應按理事會的要求，每隔適當時期，將聯邦及其所屬各邦、省或州有關該公約的法律和實際情況報告國際勞工局局長，說明通過立法、行政措施、集體協議或其他方法，使公約的任何條款得到實施或打算付諸實施的程度；

(v) 對於此類每種建議書，應按理事會所要求的每隔適當時期，將聯邦及其所屬各邦、省或州有關該建議書的法律和實際情況報告國際勞工局局長，說明該建議書中各項規定已經實施

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

#### OBLIGATIONS OF FEDERAL STATES

7. In the case of a federal State, the following provisions shall apply:

(a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;

(b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces, or cantons rather than for federal action, the federal government shall:

(i) make, in accordance with its Constitution and the Constitutions of the states, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than 18 months from the closing of the session of the Conference to the appropriate federal, state, provincial or cantonal authorities for the enactment of legislation or other action;

(ii) arrange, subject to the concurrence of the state, provincial or cantonal governments concerned, for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State coordinated action to give effect to the provisions of such Conventions and Recommendations;

(iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal state, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;

(iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

(v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation,

或打算付諸實施的程度，以及在採納或實施此種規定方面已發現或可能發現有必要進行的修改。

公約和建議書對更為優越的現行規定的影響

8. 無論如何不得認為大會制定任何公約或建議書，或任何成員國批准任何公約，可以影響保證有關工人享受較公約或建議書所規定更為優越的條件的任何法律、裁決書、慣例或協議。

#### 第20條 在聯合國登記

如此批准的任何公約，應由國際勞工局局長送交聯合國秘書長按照聯合國憲章第一〇二條的規定登記，但它只對批准公約的各個成員國有約束力。

#### 第21條 大會未通過的公約

1. 提交大會作最後審議的公約如未能獲出席代表三分之二票數的支持，本組織的任何成員國仍有權彼此商訂該公約。

2. 如此商訂的任何公約，應由各有關政府送交國際勞工局局長和聯合國秘書長按照聯合國憲章第102條的規定登記。

#### 第22條 關於已批准公約的年度報告

各成員國同意就其參加的公約中各項規定的實施所採取的措施向國際勞工局提出年度報告。此種報告應按理事會要求的格式和具體項目編寫。

#### 第23條 報告的審查和送交

1. 局長應將各成員國按第19條和第22條規定送交他的資料和報告摘要提交下屆大會。

showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

#### EFFECT OF CONVENTIONS AND RECOMMENDATIONS ON MORE FAVOURABLE EXISTING PROVISIONS

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.

#### Article 20

##### Registration with the United Nations

Any Convention so ratified shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

#### Article 21

##### Conventions not adopted by the Conference

1. If any Convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the delegates present, it shall nevertheless be within the right of any of the Members of the Organization to agree to such Convention among themselves.

2. Any Convention so agreed to shall be communicated by the governments concerned to the Director-General of the International Labour Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of article 102 of the Charter of the United Nations.

#### Article 22

##### Annual reports on ratified Conventions

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

#### Article 23

##### Examination and communication of reports

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of articles 19 and 22.

2. 每一成員國應將按第19條和第22條規定送交局長的資料和報告的副本送交按第3條的宗旨所承認的代表性組織。

#### 第24條 未遵守公約的申訴

凡有僱主或工人的產業團體向國際勞工局提出申訴，聲稱某一成員國在其權限範圍內不論在哪一方面未曾切實遵守它所參加的任何公約時，理事會可將此項申訴送交被申訴的政府，並可請該政府對此事作出它認為適當的聲明。

#### 第25條 申訴的公佈

如理事會在適當時期內未接到被申訴的政府的聲明，或接到聲明後認為不滿意，則理事會有權公佈申訴和公佈答覆該申訴的聲明。

#### 第26條 對不遵守公約的控訴

1. 任何成員國認為任何其他成員國未曾切實遵守雙方均已按以上條款批准的任何公約時，有權向國際勞工局提出控訴。

2. 理事會如認為適當，可在將該項控訴提交下文所規定的調查委員會之前，按照第24條所述辦法，通知被申訴的政府。

3. 如理事會認為不需要將該項控訴通知被申訴的政府，或經通知而在適當時期內未收到理事會認為滿意的答覆時，理事會可設立一調查委員會來審議該項控訴並提出報告。

4. 理事會可自行或在收到大會某一代表的控訴時，採用上述同一程序。

5. 理事會在審議起因於第25條或第26條的任何事項時，被申訴的政府在理事會中如無代表，有權派遣一名代表在審議該事項時參加理事會的會議。該事項的審議日期應在事前及早通知被申訴的政府。

2. Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22.

#### Article 24

##### Representations of non-observance of Conventions

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

#### Article 25

##### Publication of representation

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

#### Article 26

##### Complaints of non-observance

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of article 25 or 26 is being considered by the Governing Body, the government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government in question.

**第27條****與調查委員會合作**

成員國同意，如按第26條將控訴交付調查委員會時，各成員國無論與該案有無直接關係，應將其所有與該案事項有關的一切資料提供委員會使用。

**第28條****調查委員會的報告**

調查委員會在充分審議該控訴案後，應提出報告，其中包括它對於與確定各方爭執有關的一切事實問題的裁決，並包括該委員會認為適宜的關於處理該案應採取的步驟及採取這些步驟的期限的建議。

**第29條****對調查委員會的報告採取行動**

1. 國際勞工局局長應將調查委員會的報告送交理事會和同控訴案有關的各國政府，並應使之公佈。
2. 各有關政府應在三個月內通知國際勞工局局長，它是否接受該委員會報告中的建議；如不接受，是否擬將該案提交國際法院。

**第30條****未能將公約或建議書提交主管機關**

任何成員國如未按第19條第5款(b)、6款(b)或7款(b)(i)關於公約或建議書的要求採取行動，任何其他成員國應有權將此事提交理事會。理事會如查明此事屬實，應向大會報告。

**第31條****國際法院的決定**

國際法院對於按第29條向它提出的控訴或事項所作決定應為最後判決。

**第32條**

國際法院可以確認、更改或撤銷調查委員會的任何裁決或建議。

**Article 27****Cooperation with Commission of Inquiry**

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

**Article 28****Report of Commission of Inquiry**

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

**Article 29****Action on Report of Commission of Inquiry**

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned in the complaint, and shall cause it to be published.
2. Each of these governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

**Article 30****Failure to submit Conventions or Recommendations to competent authorities**

In the event of any Member failing to take the action required by paragraphs 5 (b), 6 (b) or 7 (b) (i) of article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

**Article 31****Decisions of International Court of Justice**

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of article 29 shall be final.

**Article 32**

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any.

**第33條****未能執行調查委員會或國際法院的建議**

如有任何成員國在指定時間內不執行調查委員會報告或國際法院判決中的建議，理事會可提請大會採取其認為明智和適宜的行動，以保證上述建議得到履行。

**第34條****履行調查委員會或國際法院的建議**

違約政府如已採取必要的步驟履行調查委員會的建議或國際法院判決中的建議，可隨時通知理事會，並可請求理事會組織一個調查委員會加以證實。遇此情況，應引用第27、28、29、31及32條的規定。如調查委員會的報告或國際法院的判決支持違約政府，理事會應立即提請停止按第33條採取的任何行動。

**第三章****一般規定****第35條****對非本部領土實施公約**

1. 對成員國保證將該國按照本章程規定已經批准的公約實施於由該國負責對外關係的非本部領土，包括該國為行政當局各託管地，但公約所訂事項屬於該領土自治權力範圍者，或公約因當地情況而不能實施者，或公約需作適應當地情況的變通才能實施者除外。

2. 每一成員國在批准一個公約後，應儘快向國際勞工局局長送交聲明，說明在下列第4與第5兩款所述以外的各領土內，該成員國保證將實施該公約各條款的程度，並提供公約所規定事項的詳細情況。

3. 已按前款送交聲明的每一成員國，可以隨時依照該公約的規定送交新的聲明，以修改前此任何一個聲明的詞語，申明有關該領土的現狀。

4. 如公約事項屬於非本部領土自治權力範圍，負責該領土對外關係的成員國，應儘快將該公約送交該領土的政府，以便由

**Article 33****FAILURE TO CARRY OUT RECOMMENDATIONS OF COMMISSION OF INQUIRY OR ICJ**

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

**Article 34****COMPLIANCE WITH RECOMMENDATIONS OF COMMISSION OF INQUIRY OR ICJ**

The defaulting government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Inquiry to verify its contention. In this case the provisions of articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of article 33.

**Chapter III - General****Article 35****Application of Conventions to non-metropolitan territories**

1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject-matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject-matter of the Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory shall bring the Convention to the notice of the government of the territory as soon as possible with a view to the



該政府制定法律或採取其他行動。然後，該成員國在徵得該領土政府同意後，可以向國際勞工局局長送交聲明，代表該領土接受公約的義務。

5. 接受公約義務的聲明可按下列方式送交國際勞工局局長：

(a) 由本組織兩個或兩個以上成員國聯合管轄的領土，由它們送交；

(b) 按聯合國憲章或其他條文由國際權力機構負責行政的領土，由該機構送交。

6. 按第4或第5兩款接受公約義務，包括代表有關領土接受該公約條款所規定的各項義務，和接受本組織章程所規定的適用於已批准公約的各項義務。接受公約的聲明可說明為使公約適合地方情況而需對其條款作出的修改。

7. 按本條第4和第5兩款送交聲明的成員國或國際權力機構，可以隨時依照該公約的規定送交新的聲明，以修改前此任何一個聲明的詞語，或代表有關領土解除接受公約的義務。

8. 有關成員國或國際權力機構如未代表本條第4或第5兩款所述的領土接受公約義務，則應將該領土內與該公約所訂事項有關的法律與實際情況報告國際勞工局局長，報告應說明通過立法、行政措施、集體協議或其他方法使公約的任何條款得到實施或打算付諸實施的程度，並申述有何困難阻礙或推遲該公約的批准。

### 第36條 章程修正案

經出席大會代表的三分之二多數票通過的本章程修正案，如經本組織全體成員國三分之二，其中包括按本章程第7條第3款的規定參加理事會的十個主要工業國中的五國批准或接受，即行生效。

### 第37條 對章程和公約的解釋

1. 對本章程或對各成員國隨後依照本章程的規定所制定的任何公約在解釋上發生的任何問題或爭執，應提交國際法院判決。

enactment of legislation or other action by such government. Thereafter the Member, in agreement with the government of the territory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office:

(a) by two or more Members of the Organization in respect of any territory which is under their joint authority; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organization which apply to ratified Conventions. A declaration of acceptance may specify such modification of the provisions of the Conventions as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.

### Article 36

#### Amendments to Constitution

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organization including five of the ten Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of article 7 of this Constitution.

### Article 37

#### Interpretation of Constitution and Conventions

1. Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

2. 儘管有本條第1款的規定，理事會仍可制訂下列規則並提請大會核准，即成立裁判機構以迅速判決由理事會或按公約規定向該裁判機構提出的關於解釋公約方面所存在的任何糾紛和問題。凡國際法院的可適用的判決或諮詢意見，對於按本款成立的裁判機構應有約束力。這種裁判機構所作的判決書應分送本組織各成員國，各成員國對該判決書如有意見可提交大會。

### 第38條 區域會議

1. 國際勞工組織可根據需要召開區域會議和設立區域性機構，以促進實現本組織的目標與宗旨。

2. 區域會議的權力、職能和程序，應由理事會擬訂規則加以規定，並提請大會確認。

### 第四章 雜項規定

#### 第39條 國際勞工組織的法律地位

國際勞工組織應具有完全的法人，特別具有下列資格：

- (a) 訂立契約；
- (b) 獲得和處置不動產和動產；
- (c) 提起訴訟。

#### 第40條 特權與豁免待遇

1. 國際勞工組織在其成員國領土內應享受為達成其宗旨所必要的特權及豁免待遇。

2. 出席大會的代表、理事會理事、國際勞工局局長和官員也應享受為獨立執行其與本組織有關的職務所必要的此種特權及豁免待遇。

3. 為取得各成員國的同意，此類特權和豁免待遇應由國際勞工組織另擬協定予以規定。

2. Notwithstanding the provisions of paragraph 1 of this article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgement or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organization and any observations which they may make thereon shall be brought before the Conference.

### Article 38 Regional Conferences

1. The International Labour Organization may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organization.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

### Chapter IV - Miscellaneous provisions

#### Article 39 Legal status of Organization

The International Labour Organization shall possess full juridical personality and in particular the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

#### Article 40 Privileges and immunities

1. The International Labour Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organization with a view to its acceptance by the States Members.

**附錄****關於國際勞工組織的目標和宗旨的宣言  
(即《費城宣言》)**

本宣言是關於國際勞工組織的目標和宗旨以及對其成員國政策應具啟發作用的各項原則，是一九四四年五月十日在費城舉行的第26屆國際勞工大會上通過的。

**I**

大會重申本組織所依據的基本原則，特別是：

- (a) 勞動不是商品；
- (b) 言論自由和結社自由是不斷進步的必要條件；
- (c) 任何地方的貧窮對一切地方的繁榮構成危害；

(d) 反對貧困的鬥爭需要各國在國內以堅持不懈的精力進行，還需要國際間作持續一致的努力，在此努力中，工人和僱主代表享有和政府代表同等的地位，和政府代表一起參加自由討論和民主決議，以增進共同福利。

**II**

相信經驗已經充分證明國際勞工組織章程中所闡述的真理，即持久和平只能建立在社會正義的基礎上，大會確認：

- (a) 全人類不分種族、信仰或性別都有權在自由和尊嚴、經濟保障和機會均等的條件下謀求其物質福利和精神發展；
- (b) 為實現上述目的而創造條件應構成各國和國際政策的中心目標；
- (c) 一切國內、國際的政策和措施，特別是具有經濟和財政性質者，均應以此觀點來加以衡量，只有能促進而不妨礙達成這一基本目標者才能予以接受；
- (d) 國際勞工組織有責任按照此基本目標來檢查和考慮國際間一切經濟和財政政策及措施；
- (e) 國際勞工組織在執行委託給它的任務時，對一切有關的經濟和財政因素加以考慮後，可以在它的決議和建議中列入任何它認為適當的條款。

**Annex****Declaration concerning the aims and purposes of the  
International Labour Organisation  
(DECLARATION OF PHILADELPHIA)**

The General Conference of the International Labour Organization, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organization and of the principles which should inspire the policy of its Members.

**I**

The Conference reaffirms the fundamental principles on which the Organization is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;

(d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

**II**

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
- (d) it is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

(e) in discharging the tasks entrusted to it the International Labour Organization, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

## III

大會承認國際勞工組織在世界各國推進各種計劃的莊嚴義務，以達到：

- (a) 充分就業和提高生活標準；
- (b) 使工人受僱於他們得以最充分地發揮技能與成就，並得以為共同福利作出最大貢獻的職業；
- (c) 作為達到上述目的的手段，在一切有關者有充分保證的情況下，提供訓練和包括易地就業和易地居住在內的遷移和調動勞動力的方便；
- (d) 關於工資、收入、工時和其他工作條件的政策，其擬訂應能保證將進步的成果公平地分配給一切人，將維持最低生活的工資給予一切就業的並需要此種保護的人；
- (e) 切實承認集體談判的權利，在不斷提高生產率的情況下勞資雙方的合作，以及工人和僱主在制訂與實施社會經濟措施方面的合作；
- (f) 擴大社會保障措施，以便使所有需要此種保護的人得到基本收入，並提供完備的醫療；
- (g) 充分地保護各業工人的生命和健康；
- (h) 提供兒童福利和生育保護；
- (i) 提供充分的營養、住宅和文化娛樂設施；
- (j) 保證教育和職業機會均等。

## IV

相信為達到本宣言提出的目標所必需的世界生產資源可以由國際和國內的有效行動來予以更充分更廣泛的利用，這種有效行動包括擴大生產和消費的措施、避免嚴重經濟波動的措施、促進世界上較不發達地區的經濟和社會進步的措施、保證主要產品的世界價格更為穩定的措施，以及促進高度與穩定的國際貿易量的措施，為此大會保證同那些對於分擔此項偉大任務和對於促進各國人民的健康、教育和幸福負有責任的國際機構充分合作。

## V

大會確信本宣言提出的原則對世界各國人民都完全適用，雖然應用的方式必須考慮到各國人民的社會、經濟發展階段才

## III

The Conference recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve:

- (a) full employment and the raising of standards of living;
- (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- (c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
- (d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
- (e) the effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
- (f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- (g) adequate protection for the life and health of workers in all occupations;
- (h) provision for child welfare and maternity protection;
- (i) the provision of adequate nutrition, housing and facilities for recreation and culture;
- (j) the assurance of equality of educational and vocational opportunity.

## IV

Confident that the fuller and broader utilization of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full cooperation of the International Labour Organization with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

## V

The conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and

能決定；對尚未獨立或已經獲得自治的民族逐步應用這些原則是和整個文明世界有關的事。

二零一六年五月十七日於行政長官辦公室

辦公室主任 柯嵐

that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved selfgovernment, is a matter of concern to the whole civilized world.

Gabinete do Chefe do Executivo, aos 17 de Maio de 2016. — A Chefe do Gabinete, *O Lam*.

## 經濟財政司司長辦公室

### 第 67/2016 號經濟財政司司長批示

經濟財政司司長行使《澳門特別行政區基本法》第六十四條賦予的職權，並根據第110/2014號行政命令所授予的權限，以及第15/2009號法律第五條和第26/2009號行政法規第九條的規定，作出本批示。

一、以定期委任方式委任陳元童為勞工事務局副局長，自二零一六年五月二十八日起為期一年。

二、以附件形式公佈委任理由及獲委任人的學歷及專業簡歷。

二零一六年五月二十三日

經濟財政司司長 梁維特

## 附件

委任陳元童擔任勞工事務局副局長的理由如下：

——職位出缺；

——陳元童的個人履歷顯示其具備專業能力及才幹擔任勞工事務局副局長一職。

學歷

2001 澳門大學法學院澳門法律導論課程；

2000 廣州暨南大學經濟學院經濟法學士。

專業簡歷

5/2014至今 人力資源辦公室副主任；

## GABINETE DO SECRETÁRIO PARA A ECONOMIA E FINANÇAS

### Despacho do Secretário para a Economia e Finanças n.º 67/2016

Usando da faculdade conferida pelo artigo 64.º da Lei Básica da Região Administrativa Especial de Macau e nos termos da competência delegada pela Ordem Executiva n.º 110/2014, do artigo 5.º da Lei n.º 15/2009, bem como do artigo 9.º do Regulamento Administrativo n.º 26/2009, o Secretário para a Economia e Finanças manda:

1. É nomeado, em comissão de serviço, pelo período de um ano, subdirector da Direcção dos Serviços para os Assuntos Laborais, Chan Un Tong, com efeitos a partir de 28 de Maio de 2016.

2. É publicada, em anexo, a nota relativa aos fundamentos da respectiva nomeação e ao currículo académico e profissional do nomeado.

23 de Maio de 2016.

O Secretário para a Economia e Finanças, *Leong Vai Tac*.

## ANEXO

Fundamentos da nomeação de Chan Un Tong para o cargo de subdirector da Direcção dos Serviços para os Assuntos Laborais:

— Vacatura do cargo;

— Possui competência profissional e aptidão para o exercício do cargo por parte de Chan Un Tong, que se demonstra pelo *curriculum vitae*.

Currículo académico:

2001 Curso de Introdução ao Direito de Macau na Faculdade de Direito da Universidade de Macau;

2000 Licenciado em Direito Económico na Faculdade de Economia da Universidade de Jinan, em Guangzhou.

Currículo profissional:

5/2014 até à presente data Coordenador-adjunto do Gabinete para os Recursos Humanos;