1. Introduction

This comment regards Convention No. 142 of 1975 concerning vocational guidance and training in the development of human resources.

Both the ILO Constitution established in 1919 and the 1944 Declaration of Philadelphia recognise the key importance of education and training as drivers for the growth and development of the Member States but it was by means of Convention No. 142 that the Organisation intended to introduce “a valid blueprint to guide countries in developing their training policies and systems”\(^1\) that would help guarantee the right to education and the right to training on a global scale.\(^2\)

These rights are fundamental rights that are expressly recognised by the leading international and regional legislative instruments (the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man as well as, at regional level, the Social and Labor Declaration of Mercosur and the Charter of Fundamental Rights of the European Union, to mention only a few) as well as being affirmed in numerous constitutional texts (in Argentina, Bolivia, Brazil, Chile, Germany, Guatemala, Italy, Mexico and Spain, for example). Even though Convention No. 142 “is predominantly a policy instrument”\(^3\), “it also reflects international recognition of the human right education and training”, especially if interpreted jointly with the more recent Human Resources Development Recommendation No. 195 (2004).

We should also note that education and training are frequently associated with the promotion of occupation, becoming a driver favouring the integration of young persons into the labour market after they have completed their schooling or improving competencies to help people with career advancement or in their search for a new job. These aims emerge clearly from Convention No. 142, which states, “each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services” (art. 1). The CEACR (the ILO Committee of Experts on the Application of Conventions and Recommendations) has repeatedly underlined the profound


links between guidance, training and occupation, affirming that “one of the major objectives assigned to the policies and programmes to be developed under the Convention is employment. In order to have a truly effective human resources development system, governments should think of human resources development as a key component of their broader employment policy”.

However, Convention No. 142 does more than merely recognising the virtuous interactions between guidance, training and occupation. The Convention No. 142 and correlated the Human Resources Development Recommendation No. 150 (1975) stand out for having “marked the move away from the traditional concept of vocational training purely as a means to achieve balance on the employment market and towards a broader and more dynamic concept of human resources development as a major factor of economic and social development”. While guidance and training are clearly key tools in the personal and professional growth process of individuals, they are also decisive drivers for the social and economic growth of the wider community.

The centrality of this theme, which the ILO had the foresight to recognise when it formulated Convention No. 142, has inevitably persisted right up to the present day. In fact, recent initiatives developed both by the ILO – the Global Employment Agenda, the Social Justice Declaration, and the Global Jobs Pact come to mind – and by other major international Organisations (OECD; European Commission and World Bank) all emphasise the link between training, occupation, and growth as well as underlining that “the pursuit of learning and training for work has been shown to be a shared endeavour of many partners and actors. Depending on the objectives of education and training, governments, the social partners and individuals have distinct investment responsibilities”.

As stated by the recent Recommendation No. 195, “education, training and lifelong learning are contributing factors to personal development, access to culture and active citizenship” (Par. 5 Preamble) and they “should form an integral part of, and be consistent with, comprehensive economic, fiscal, social and

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7 Learning for Work in the knowledge Society (n.1), 93.
labour market policies and programmes that are important for sustainable economic growth and employment creation and social development” (Par. 3 Preamble).

2. Context and General Aims

Convention No. 142 provides national governments with guidelines on training and guidance “throughout the life of both young persons and adults in all sectors of the economy and branches of economic activity and at all levels of skill and responsibility” (art. 4).

In this perspective “each Member shall establish and develop open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, whether these activities take place within the system of formal education or outside it” (art. 2). The references to both professional guidance and professional training mean that this Convention has an extremely vast field of application. In this regard Recommendation No. 195 provides a more precise framework for the measures requested of Member States, distinguishing between “education and pre-employment training” and “employment training”.

Recommendation No. 195 also underlines the centrality of the paradigm of “lifelong learning”, identified in “all learning activities undertaken throughout life for the development of competencies and qualifications” (Par. 2).

While the Member States enjoy a certain degree of discretion in their implementation of the Convention’s contents with regard to which measures to adopt and a certain flexibility in terms of implementation times, the ILO guidelines leave far less room for manoeuvre with regard to aims to be pursued. In fact, the Convention provides that the national policies and programmes should be “designed to improve the ability of the individual to understand and, individually or collectively, to influence the working and social environment” (art. 1 par. 4); they should also take into account the aspirations and needs of the individual without neglecting the influence of the market and needs of enterprises (art. 1 par. 5); they must favour the integration into the employment market of the more vulnerable categories of workers, guaranteeing equal opportunities (art. 3 par. 1); and lastly they must facilitate the transition of workers from the informal to the formal economy so as to guarantee them greater protection and rights given that lack of access to education or training is among the main causes preventing access to forms of regular work.

3. Content

As mentioned above, under Art. 2 of Convention No. 142, Member States are required to operate in diversified spheres of action in order to develop “open, flexible and complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training”.

Art. 1 of the Convention, which refers to “policies and programmes” and envisages a variety of actions, is justified both in the light of the huge range of objectives to be attained and in the internal specificities of the individual Member States.  

“Each country has a unique set of economic circumstances, social concerns and cultural characteristics; thus, it maintains wide latitude to develop the most appropriate human resources development system”. The Member States must therefore bear in mind the following: “(a) employment needs, opportunities and problems, both regional and national; (b) the stage and level of economic, social and cultural development; and (c) the mutual relationships between human resources development and other economic, social and cultural objectives” (art. 1, par. 3).

The ILO report examining the contemporary policies, law and practice in the area of human resources development and training identified 5 key principles that should guide national governments as well as international institutions in defining measures dealing with these themes. Specifically “they are: 1) establishing an enabling environment that encourages investment in human resources development and training by all stakeholders; 2) developing an institutional framework for human resources development and training that is relevant to countries’ social and economic context and level of development; 3) ensuring equal access to human resources development and training for all, irrespective of socio-economic and income status, ethnic origin, sex, age, income level, etc.; 4) developing partnerships between various stakeholders in the delivery of learning, education and training programmes; 5”.

When formulating their actions and programmes the Member States must also guarantee equal opportunities and non-discrimination. The CEACR has stated in this regard that, “human resources development is an important tool in combating discrimination by providing opportunities for the most vulnerable groups”.

While the analysis of country cases shows that the measures enacted are extremely heterogeneous, in line with the aims of Convention No. 142, it also reveals significant critical areas especially with reference to the adoption of integrated actions by the different entities in charge of training and guidance.

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12 *Learning for Work in the knowledge Society* (n.1), 19
13 ILO, *General Survey concerning employment instruments* (n.11), 32.
14 See in particular ILO, *General Survey concerning employment instruments* (n.11), 36
One last reflection concerns the model of intervention that States should adopt in order to attain the objectives established by the Convention No. 142. The ILO limits itself to requiring that “each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training (…) in particular through public employment services”. The reference to public employment services is formulated so as to leave open the possibility for States to call upon private services meeting the required standards of efficiency and quality. While confirming the principles and general approach of Convention No. 142 and of Recommendation No. 150, Recommendation No. 195 (the Human Resources Development Recommendation) emphasises the roles of the social parties, of private entities and of civil society in formulating and implementing training and guidance policies. The experiences based on the promotion of synergetic systems aimed at coordinating public and private spheres that have emerged at national and regional level so far seem to confirm this type of trend.

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