

Global Dialogue Forum on Good Practices and Challenges in Promoting Decent Work in Construction and Infrastructure ProjectsGeneva
19–20 November 2015

Points of consensus**Opportunities and challenges faced by the construction sector in promoting decent work and productive employment, specifically in areas such as employment relations, occupational safety and health, and vocational education and training**

1. The construction sector plays a vital role in economic development in developed and developing countries alike. This labour-intensive sector has an important potential to create employment. The industry is rapidly evolving due to changes in employment relationships and industrial structure, the declining role of the public sector as an employer, migration trends and environmental challenges.
2. The sector faces important decent work deficits and has a poor image in terms of working conditions and safety. Efforts to stimulate growth and productivity in the sector need to go hand in hand with the promotion of decent work.
3. Especially in developing countries, the sector is characterized by high levels of informality and non-standard forms of employment (NSFE). While NSFE assist with the industry's adaptability and growth, all efforts should be made to ensure the effective protection of workers in NSFE. Adequate protection is achieved by appropriate regulatory frameworks, compliance with and strong enforcement of the law, and effective social dialogue.
4. Inadequate or absent social protection coverage of construction workers is often associated with high levels of economic insecurity and poverty. Extending social protection coverage in the industry is essential.
5. Improving occupational safety and health (OSH) is essential to address the major decent work deficits related to fatal and non-fatal accidents and diseases related to construction work. Compliance with health and safety laws in the sector is principally the responsibility of employers, and workers have the responsibility to cooperate with arrangements put in

place by the employers. Tripartite committees at the national and sectoral levels are effective mechanisms of OSH governance. An effective, transparent and adequately resourced labour inspection system is essential to promote and monitor compliance with OSH legislation. Workers' representatives on health and safety and joint health and safety committees where they exist are effective workplace prevention measures.

6. The industry faces a shortage of qualified workers due to low levels of skills and high labour turnover. Investing in education and training is paramount to meeting the important skills gap. Skill development is also a major factor behind OSH improvements and increased productivity, and should be promoted regardless of the status in employment.
7. Decent wages and working conditions including reasonable working hours are essential elements to foster the growth of the industry while promoting decent work. Furthermore, all workers, including migrant workers, must be able to enjoy equal treatment and the principle of equal pay for work of equal value and must be able to exercise their fundamental rights.
8. Governments have a key role in ensuring effective compliance and enforcement of all labour laws related to the industry. Ratification and effective implementation of international labour standards relevant to the sector and in particular the fundamental principles and rights at work need to be promoted and upheld.

Contribution of innovative social dialogue mechanisms to decent work and sustainable productive employment.

9. Social dialogue is based on respect for freedom of association and the effective recognition of the right to collective bargaining. Social dialogue has many forms and collective bargaining is at its heart. Effective social dialogue is essential to address the decent work deficits in the industry. Tripartite agreements in the construction industry can be an important mechanism to ensure adequate working conditions.
10. The industry is highly fragmented and trade union density is low. Fostering mechanisms of collective bargaining is key. Furthermore, tripartite health and safety committees, construction industry training boards and construction industry development boards can help respond to the many challenges the industry is facing.
11. Innovative social dialogue mechanisms can contribute to decent work and sustainable productive employment in the industry.
- 11bis. A successful example is the introduction of labour clauses in public contracts with the Multilateral Development Banks. The global social partners in the industry have jointly promoted labour clauses based on ILO international labour standards in the standard bidding documents for procurement of construction and infrastructure works of these banks.
12. The inclusion of labour clauses in public procurement processes, bidding documents and contracts can also have a positive effect on workers' rights and working conditions in the industry.
13. International Framework Agreements (IFAs) negotiated between multinational enterprises and the Global Union Federation for construction form another example of innovative social dialogue mechanisms with positive effects on decent work and sustainable productive employment. These IFAs are voluntary agreements over and above legal requirements, based on ILO standards and they include a monitoring mechanism for

implementation. They demonstrate the company's commitment to freedom of association, the right to organize and good faith collective bargaining.

Recommendations for future action by the International Labour Organization and its Members

14. Tripartite constituents should:

- (a) engage in effective social dialogue in order to promote decent work and productive employment and ensure equal treatment for all workers including migrant workers and regardless of employment status;
- (b) seek solutions to promote a transition from informality to formality in the sector and ensure that non-standard forms of employment are fully aligned with decent work principles and practices including through collective agreements;
- (c) promote OSH and workplace compliance including the prevention of fatal and non-fatal accidents and diseases including through workers' representatives in health and safety and joint health and safety committees; and
- (d) develop a coherent vocational education, skills development and training strategy including OSH-related skills.

15. Governments should:

- (a) engage social partners in defining non-standard forms of employment and in improving inclusive labour legislation and policies in the construction sector.
- (b) seek to mitigate the possible negative impact of flexible work arrangements on incomes through effective social protection;
- (c) work towards improved conditions of work in all construction and infrastructure projects by ensuring workplace compliance, effectively enforcing labour legislation and strengthening labour inspection systems;
- (d) consider ratifying and effectively implementing relevant international labour standards related to construction, in particular the Safety and Health in Construction Convention, 1988 (No. 167), and the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and promote the inclusion of labour clauses in public contracts; and
- (e) support constituents to improve transparency on labour and social standards.

16. The Office should:

- (a) make greater efforts to promote the ratification, effective implementation and better use of all international labour standards relevant to the construction sector, particularly those related to freedom of association and collective bargaining and OSH, as well as the fundamental principles and rights at work (FPRW), and build the capacity of constituents to do likewise;
- (b) promote social dialogue including innovative mechanisms in the construction sector and develop the capacity of tripartite constituents to engage effectively;

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- (c) work with member States and in consultation with the social partners to improve systems to collect and disseminate regular data on employment levels, minimum wages, wage structures, working hours, contractual arrangements and other relevant data on the basis of resolutions adopted by the International Conference of Labour Statisticians;
 - (d) undertake research and comparative analyses, map good practices and share knowledge on the employment creation potential of the sector, on OSH, migrant workers, public procurement, the diversification of employment relationships, education and skills requirements, non-standard forms of employment in construction; and on roving union health and safety representatives for small enterprises;
 - (e) continue to engage with international organizations and development partners to promote decent work in the construction sector; and
 - (f) support the development of practical tools and guidelines on good practices, especially on how different stakeholders can contribute to ensure labour compliance in large-scale projects and in the sector as a whole.