

INTERNATIONAL LABOUR ORGANIZATION
Sectoral Activities Programme

Note on the proceedings

**Tripartite Meeting on Promoting Social Dialogue and
Good Industrial Relations from Oil and Gas Exploration
and Production to Oil and Gas Distribution**
(Geneva, 11–14 May 2009)

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Introduction

The Tripartite Meeting on Promoting Social Dialogue and Good Industrial Relations from Oil and Gas Exploration and Production to Oil and Gas Distribution met at the ILO in Geneva from 11 to 14 May 2009. The Meeting devoted seven sittings to the discussion of the agenda item. The Chairperson of the Government group was Mr Imson (Philippines), the Chairperson for the Employers' group was Mr Bull and the Chairperson for the Workers' group was Mr Myhre.

The International Labour Office had prepared a report for discussion¹ to serve as a basis for the Meeting's deliberations. It addressed the following major topics, including where relevant the role of social dialogue:

- the oil industry in the context of the global economy;
- employment trends;
- conditions of work;
- industrial relations;
- human resources development; and
- corporate social responsibility (CSR) and corporate governance.

The Governing Body had designated Mr Göran Trogen, Swedish Employer and Employer spokesperson in the Committee on Sectoral and Technical Meetings and Related Issues (STM) of the ILO Governing Body, to chair the Meeting. The three Vice-Chairpersons elected by the Meeting were: Mr Bialek (Poland) from the Government group; Mr Amelivia Garcia from the Employers' group; and Mr Doleman from the Workers' group.

Twenty-three Government representatives from 17 countries, as well as 18 Employer and 12 Worker members participated in the Meeting.

A list of participants is annexed. Representatives from the following intergovernmental and international non-governmental organizations also attended as observers: the International Energy Agency (IEA), the United Nations Conference on Trade and Development (UNCTAD), the International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM), the International Organisation of Employers (IOE), the International Trade Union Confederation (ITUC), and the International Transport Workers' Federation (ITF).

¹ *Social dialogue and industrial relations in the oil industry* (document TMOGE/2009, Geneva, ILO, 2009).

Part 1

Consideration of the agenda item

Composition of the Working Party

1. At its third sitting, the Meeting set up a Working Party to draw up draft conclusions reflecting the views expressed in the course of the Meeting's discussion of the background report prepared by the ILO. The Working Party, presided over by the Government Vice-Chairperson, Mr Bialek, was composed of the following members:

Government members

<i>Algeria:</i>	Mr Benyahia
<i>Côte d'Ivoire:</i>	Mr She Kraidi
<i>Indonesia:</i>	Ms Wartini/Mr Herwianto
<i>Nigeria:</i>	Mr Ajuzie
<i>Norway:</i>	Ms Hustad

Employer members

Mr Amelivia García
Mr Bull
Mr Derrick
Mr Nauman/Mr Humann Adame
Mr Stenerud

Worker members

Mr Azman
Mr Doleman
Mr García Muñoz
Mr Gibson
Mr Myhre

Opening speeches

2. The Chairperson, Mr Trogen, opened the Meeting, noting that it was convened at a time of the worst global financial and economic crisis since the Great Depression of the 1930s. Unemployment had dramatically increased everywhere and world employment prospects remain gloomy. The ILO was concerned that global recession could increase unemployment by 18 to 30 million, or as much as 50 million if the situation continued to deteriorate. Some of these job losses would be coming from the oil and gas industry. The global recession also severely affected the demand for oil, and the future price of crude oil remained uncertain. Despite recent price stabilization, some analysts predicted further declines in prices, which could create under-capitalized oil companies that were unable to make the necessary investments to meet future demand.
3. In this context, social dialogue has become more important than ever. It facilitated outreach of the oil industry's CSR efforts to a wide audience of stakeholders, among them the industry's workers. Social dialogue allowed the industry to demonstrate the time,

attention and resources it had devoted to implementing good practices on corporate governance, respect for human rights, community involvement, and protection of the rights and lives of indigenous people. The oil and gas industry had used social dialogue as a leading tool for promoting good governance in a wide set of relationships with workers and their representative organizations, contractors, suppliers, communities, consumers and civil society. Best practices in governance were evidence that social dialogue contributed to increasing openness and transparency in all matters of interest to workers, citizens and the industry.

4. He made reference to the process of social dialogue in Sweden as an example of progress made in his country. He also noted that the wide range of countries represented in the Meeting had unique national circumstances, calling for different and creative solutions to current challenges. The Meeting would permit a process of learning what others were doing so as to assist us in formulating better responses to our own challenges.
5. The Secretary-General of the Meeting, Ms Elizabeth Tinoco, Director of the Sectoral Activities Department, welcomed the Chairperson and participants, and recalled the Meeting's purpose, namely to discuss various issues of social dialogue and industrial relations in the oil and gas industries. The Meeting was very timely in the context of the current global economic crisis.
6. In this context, labour dimensions had become crucial in restoring the global financial, economic and trade systems. The oil industry could make a significant contribution to addressing job loss challenges. An estimated 6 million people were directly employed in exploration, production and refining in the oil and gas industries, while more than 20 million people were indirectly employed at a global level. These strategic industries had the potential to create more "decent jobs" on a sustainable basis.
7. Several other aspects central to the oil and gas industries would be addressed by the Meeting. In the context of globalization, good industrial relations in the industries constituted an essential component of stability, so as to avoid sudden disruptions in other sectors such as transport and commerce. The emergence of national oil companies that controlled around 80 per cent of total world oil reserves had redefined the industries' profile compared to the situation existing in the early 1970s when international oil companies dominated the oil industry. Contract work had become an integral part of the oil and gas industries, posing challenges in the form of more vulnerable workers. Some countries reported that contract workers comprised almost 70 per cent of their workforce in these industries. The increase in "atypical" workers challenged governments and social partners to take action in the context of an employment relationship defined by multiple employers at national and international level. Working conditions and working time represented other issues key to the ILO's Decent Work Agenda. Training and human resources management constituted another important area for dialogue. All these issues underlined the importance of social dialogue as a means of working out sustainable solutions to challenges facing the oil and gas industry.

Presentation of the report and general discussion

Presentation of the report prepared by the ILO ¹

8. The report prepared for the Meeting was introduced by the Executive Secretary, Mr Kamakura. The six chapters corresponded to major themes on industrial relations and social dialogue as they related to the oil industry.
9. The report provided details of the oil industry in the context of the global economic crisis. World oil refining employment was estimated at more than 1.5 million. The oil industry faced a drastic demographic challenge, notably the shortage of trained workers. Some (conservative) estimates projected a deficit of more than 6,000 skilled workers in the industry by 2010. This demographic challenge had two major impacts: first, employment volatility led to and had sustained an increase in the use of contract labour, which had become the norm in the oil industry; and second, the acute shortage of skilled workers had led oil companies to actively seek more women workers. In some international oil companies (IOCs) women exceeded 20 per cent of the workforce, and employment opportunities for women were increasing, though from a very low base.
10. Conditions of work and occupational safety and health (OSH) were core issues in the oil industry. Major features included:
 - Oil workers, especially those in exploration and production, were generally well paid, though some wage gaps existed depending on occupation, skills and gender.
 - Some oil workers, mainly in developing countries, did not earn enough to maintain a decent livelihood, but many workers enjoyed a comprehensive package of benefits, especially those in national oil companies (NOCs).
 - Earnings in the IOCs were closely linked to corporate performance, resulting in widening wage differentials among groups of workers.
 - Oil workers worked longer hours than in many other industries, some working 50 hours per week. Since premiums for overtime and holiday work were generally higher than in other industries, low-skilled workers tended to work more overtime in order to earn an adequate income.
 - Increasing amounts of work took place round-the-clock, particularly in remote areas. Working offshore was frequently characterized as dangerous, arduous and socially challenging. Some countries had an effective legal framework to promote workers' participation on safety and health activities on offshore locations.
 - Contract workers were twice as likely to be involved in a fatal accident as regular company employees.
11. In relation to industrial relations, the report highlighted difficulties in workers' ability to observe these basic rights as globalization advanced. Unionization levels were low and falling throughout the oil industry, especially on offshore facilities and among women workers. Enforcement of ILO standards to protect workers' and employers' rights were

¹ *Social dialogue and industrial relations in the oil industry*, TMOGE/2009.

needed. The growing use of contract labour and temporary workers also impacted collective bargaining, creating a “dualization” of the workforce into core and peripheral workers in one bargaining unit.

12. Human resource development to address the global phenomenon of shortages of skilled workers was another key issue. Oil companies have diversified their recruitment processes to meet current and future business needs, including significant investments in education and training, but the oil industry alone was unable to sufficiently increase the pool of skilled workers. Governments had a key role to play, and the report suggested that dialogue between governments and the industry, including workers’ organizations, was needed to ensure a larger pool of skilled and well-equipped entrants to the workforce.
13. Corporate governance encompassed the way and the extent to which a company complied with international and national laws, transparency and accountability requirements, ethical norms, environmental and social codes of conduct, as well as in-house efforts to prevent bribery and corruption. The report noted that exploring for and producing oil and gas often involved improving the living conditions and respect for the rights of indigenous people, another aspect to which social dialogue could contribute through a participatory approach.

General discussion

14. The Chairperson of the Employers’ group, expressed his group’s satisfaction that the oil and gas sector had been selected as the subject for a tripartite discussion. The industry was subject to wide extremes of prices, which led to industrial relations challenges, including high unemployment and skills shortages. The report prepared by the ILO for the Meeting generally referred to the sector as providing excellent remuneration and conditions of employment. On the whole, the report was balanced and comprehensive, and would serve as an excellent introduction to the discussion points selected. There would be interesting discussions on health and safety, contracting versus permanent employment and on the role of governance in the oil and gas sector. While there was no guarantee that the three groups would reach consensus on all issues under discussion, the Employers’ group would make its best efforts to ensure that the present Meeting culminated in the adoption of conclusions and recommendations that represented a consensus of all three groups, which would be of benefit to the oil and gas sector as a whole.
15. The Chairperson and spokesperson of the Workers’ group said that the group comprised representatives of two Global Union federations, the ICEM and the ITF, which had created an alliance and in March 2009 had held a conference of trade unions on the subject of North Sea oil extraction. Discussions on the oil industry were particularly opportune, owing to a recent series of helicopter crashes, which had given cause for particular concern in respect of health and safety. The Workers’ group shared the Employers’ view that the report provided accurate and balanced analysis of the industry that would serve as a good basis for the forthcoming discussions. Those discussions would likely focus on OSH, as well as on the situation of national and international oil companies. The oil industry was a global industry, in which multinational companies could be owned wholly or in part by a particular State, thus blurring the line between national and international companies. The report made little reference to the theory of peak oil. While oil in itself was not being depleted, reserves of cheaply extractable oil supplies were declining, which would mean extracting from increasingly deep water or Arctic and other hostile environments. Such changes would have a considerable impact on transportation. The industry faced enormous challenges, particularly owing to the current international economic crisis, which had resulted in a dramatic drop in the price of oil. Social dialogue would be a means of understanding fluctuations in oil prices. The climate change crisis also remained present and should not be forgotten. An increase in the use of fossil fuels was predicted in the medium term, and it was therefore particularly interesting that the Office had included a

discussion on green jobs in the agenda of the Meeting. The future impact of fossil fuels in relation to the climate change debate depended largely on carbon capture and storage, and tripartite discussions were therefore required on the future of that component of the industry. ILO jurisprudence stated that the oil industry was not an essential service yet the exercise of the rights to union recognition and to strike remained problematic. While industrial relations problems continued to exist, there were positive elements, such as the conclusion of three global framework agreements with Statoil Hydro, Lukoil and ENI, and the recently established cooperation with the Repsol Workers' Network in Spain and Latin America. Those were examples of real social dialogue in the practice of industrial relations rather than aspects of corporate social responsibility. In that regard, the enterprises in the industry should have a unit with a specific industrial relations remit.

- 16.** The representative of the Government of the Philippines, as Chairperson of the Government group, said that the Meeting had been convened at an opportune time, given the backdrop of uncertainties in the world financial market and their inevitable impact on the labour market. The Government group took special note of the report's chapter on industrial relations and social dialogue. In many ways, social dialogue was about representation, involvement and participation. For workers, social dialogue was about being represented in decision-making and having a voice in the workplace. For employers, it was part of good corporate citizenship and putting a premium on democratic practices in the workplace. For governments, social dialogue was all about social cooperation and social consensus, and was a vital instrument for social peace in the world of work and in society at large. This was an effective platform, where social consensus could take precedence over sectoral interest.
- 17.** The representative of the Government of Lebanon suggested that the points for discussion could be tackled from two angles: States with previous experience in social dialogue and good industrial relations, and from the point of view of countries with no experience in this regard. This would help countries lacking experience to cope with the changes that should be introduced. A special programme to promote good industrial relations should be designed for these countries. As Lebanon was in the process of setting regulations for the oil and gas industry, he looked forward to learning from the experience of the other participants.
- 18.** The representative of the Government of Nigeria indicated that the report had captured most of the upstream and downstream activities in the oil and gas sector. Nigeria was an oil-producing country with many multinational and state-owned companies and an influx of migrant workers. More details on this situation would be provided later in the discussion.
- 19.** The Chairperson of the Workers' group highlighted individual points for discussion that were important to the group. Many meetings in the oil and gas sectors had been held directly after major accidents, particularly helicopter accidents, which accounted for 25 per cent of fatalities under normal conditions. Transportation by helicopter was one of the weakest points of the health and safety chain and the Workers' group would highlight this as a special topic. They would also bring up deep-sea diving in the oil industry, as this was also a dangerous job and in the long term not good for divers' health. A major part of their contribution would regard government contractor workers, as well as regulation and deregulation. Throughout the discussion they would underline the right to freedom of association.

Point-by-point discussion

Decent employment, efficiency and competitiveness

20. In opening the discussion on this point, the Chairperson of the Workers' group read out the ILO's definition of decent employment creation. Considering the question of efficiency and competition in the oil and gas industry, who exactly competed with whom, and how should workers take part in this? Decent employment was more important, especially with regard to social measures to accompany social practices. Regarding employment practices the Workers' group would use the ILO definition as a base throughout the discussion. In most oil fields around the world workers were relatively well paid and received better wages than others in the same country, but contract workers still received low pay and working conditions differed considerably. The standard 12-hour day for many offshore workers was a challenge for decent work. Companies had made efforts to make drilling more secure, but catering and cleaning workers often worked the hardest and became injured, an aspect that was rarely discussed and needed to be examined more closely. There were also health issues with divers. The main concern of the Workers' group could be summed up as job security, in essence decent employment, the best guarantee of safe work. In this connection, among the questions that needed answers included what measures, such as retraining, should be taken when jobs changed? The ILO's definition of decent employment should be underlined when addressing the questions in the second part of the point for discussion.
21. The Chairperson of the Employers' group noted that job security was a fast-diminishing luxury that not all employers could guarantee amid fluctuations in oil prices. Regarding decent employment creation, "decent" had connotations related to dignified and productive employment creation. The four main points of the ILO Declaration on Fundamental Principles and Rights at Work should be a guide to measuring the oil and gas industry's response. The industry had a fairly good record on dignified and productive work, but could try to do better. It also had a good record regarding employment creation, provided excellent training and was at the top end in terms of providing safe and healthy work environments. Remuneration was high and did not need to be improved. Regarding working hours, an eight-hour workday was simply not an option in remote locations, where employees actually demanded longer hours in order to have more time at home. Concerns about employment creation meant that there needed to be productive and flexible workplaces, particularly if price fluctuations were taken into account. While employers had some responsibility to provide training, re-educating those without work was also a government responsibility. There was room for improvement regarding health and safety, but he pointed out that the few incidents that did occur were often major ones that received a lot of attention and were often beyond the control of the companies concerned. The Employers' group considered that they had a fairly decent industry, with dignified and productive work. Efficiency and productivity were required to maintain this.
22. The representative of the Government of Nigeria found that the four key elements of decent work were that it was productive, offered a sense of social protection and dignity, fostered basic rights at work, and gave voice and participation at work. While central staff were well protected and well paid in this sector, there were serious decent work deficits at the periphery of the centre. This involved labour contracting firms, which were difficult to regulate and which often did not implement appropriate measures when given the resources to do so. Much work was required to foster rights in the unprotected areas of contract labour. Offshore workers were only paid when they were on shift and therefore lacked stability and income when not working on the platform. Flexicurity was required in this area.

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23. The representative of the Government of the Philippines explained that his country primarily imported oil – drilling was still an industry in its infancy. The Philippines was in the third cycle of a decent work programme, which covered oil and gas exploration under one of the strategic areas. The contractualization of formal workers was the biggest decent work deficit. An important issue in gas exploration and drilling was equity between foreign and local workers, along with knowledge transfer. While the financial crisis had not caused disruption in this sector, the Government had put in place measures to safeguard jobs. These included monitoring, dialogue with employers' and workers' groups and training programmes.
 24. The representative of the Government of Algeria agreed with the view of the Workers' group Chairperson that protecting existing employment took priority over employment creation. Social dialogue brought stability, which promoted the good health of employees and enhanced competitiveness. In Algeria, social dialogue had led to the creation of a National Economic and Social Covenant, which enabled social partners to take on the concerns of the working world. The social climate in the oil and gas industry was very positive, as the collective bargaining tradition was well established in the sector. Collective bargaining agreements had enhanced dialogue and enabled workers to take charge and be involved in organizations. This had created an excellent social climate and had also helped to enhance the sector's output.
 25. The representative of the Government of Chad found that this was a useful opportunity to share other countries' experiences and to understand his country's areas of difficulty, which were mainly that collective bargaining agreements and legislation were obsolete. Job creation, competitiveness and efficiency in this sector required qualifications and training. His Government continued to assess the situation every year, to encourage internal promotion and to send young nationals outside the country for training, principally in the subregion. Labour conditions had remained stable in recent years, though dismissals had become more numerous. His Government continued to work within a context of social dialogue to preserve jobs.
 26. The representative of the Government of Malaysia noted the need to face the economic crisis, which could lead to challenges in the oil and gas industry. Employers were concerned about productivity, while workers needed to stay competent in their skills. Social protection was required to ensure growth. Training was not a cost, but an investment in the future. Governments had to play a role in social dialogue to ensure harmonious relations and economic growth. The creation of decent work was instrumental to deal with the economic crisis and to meet all aspirations. The main elements of Malaysia's strategic plan were creating job opportunities, workers' rights, safety and health practices, developing a competent and skilled national workforce, and providing social protection.
 27. The Chairperson of the Workers' group disagreed with the Employer Chairperson's statement that job security could not be maintained when oil prices dropped dramatically. The statistics on page 3 of the report showed that until 2002 oil prices had remained relatively stable. They had increased at a normal rate between 2002 and 2006, after which they had sharply increased. The sharp increase in price had not been accompanied by a dramatic increase in the number of employees in the oil sector, or in wages. Oil companies, however, had made considerable profits in a short period. While some employees in the oil industry might have demanded higher wages, they were not members of trade unions, since responsible trade unions would not claim increased wages under those circumstances, just as they would not accept reduced wages in the event of a drop in price. Employers tended to apply a policy of paying low basic wages, accompanied by high bonuses. A short period of very high prices, followed by a subsequent drop in price, should not be used as an argument for the reduction of job security.

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- 28.** The Chairperson of the Employers' group retorted that when the price of oil had increased to US\$150 per barrel employees had demanded dramatically increased working conditions and benefits, including increased wages. Although the price had now fallen dramatically it would be difficult to reduce those improved conditions. Employment creation, however, was now particularly difficult, since it would not be economically viable for new companies to enter the market or explore for oil. The price of oil and gas was no longer at the level required to sustain a profit, and therefore had a direct impact on continuing and increasing employment. With such a drop in price, companies might not be able to function as they had previously anticipated. That was particularly the case for companies that had been established during the boom in 2007, many of which had ceased to exist. The Employer member from the Islamic Republic of Iran added that when prices had risen many new projects had become economically feasible, whereas when prices dropped it was logical that many projects would no longer be viable, and there would therefore be a knock-on effect on job security.
- 29.** Concerning short-term measures to alleviate the effect of the global financial crisis the representative of the Government of Nigeria said that his Government's approach had been to establish a stabilization fund during the period of high prices, in order to prevent "social famine" when prices fell. The present economic crisis had resulted in higher import prices, which the Government had been able to pay using the surplus funds accumulated during high oil price periods. The Niger Delta Ministry had been established to address the issue of insecurity in the Niger Delta region, which had resulted in the withdrawal of workers for security reasons. A strong debate was under way on the possibility of amending legislation on competition to ensure that prices were competitive. Core infrastructural facilities had also been affected by the financial crisis, one example being that petroleum tankers had required considerable repairs owing to damage caused by the poor quality of the roads. The Government was therefore making efforts to invest in improving road surfaces.
- 30.** The Employer member of Algeria said that in the case of the hydrocarbon industry there was no competitiveness since the fixing of oil prices did not depend on oil companies but rather on circumstances in other countries. Prices could range from US\$20 to US\$150 per barrel. Oil fields tended to be in countries with little or no infrastructure and were exploited irrationally. Dialogue must therefore be encouraged, since it would enable better consideration of social needs. The global economic system was at stake. The specific examples cited by the representative of the Government of Nigeria of measures that could be taken in times of crisis, in particular the creation of a buffer fund, were to be saluted. Further steps must be taken to improve the current situation, for which oil-producing countries were not responsible.
- 31.** The representative of the Government of the Philippines said that transparency was needed in times of crisis with respect to what measures governments were taking and intended to take, in order to ensure that the proper facts were transmitted to all concerned. Consideration should also be given to how the media could contribute to understanding in times of crisis. Tripartism was particularly valuable, since it raised awareness of the importance of being able to protect consumer purchasing power. Governments could consider introducing tax relief for workers affected by the crisis. In the Philippines, the situation of migrant Filipinos employed in other countries that had been hit by the global financial crisis caused particular concern. Governments should engage in constant dialogue with foreign employers in order to find workable solutions other than large-scale repatriation.
- 32.** A Worker member from Mexico said that social dialogue meant decent work, and that competitiveness meant profitability. Efficiency was the combination of those two elements. Social development measures were particularly important, especially the provision of adequate safety training to minimize the risks for workers. Measures must be taken to ensure proper certification of workers, without any falsification of documents or

corruption. Adequate crew numbers must also be ensured, in order to avoid fatigue, which could result in fatal accidents. Regular employment would reduce operational costs, since a small turnover of workers could help to avoid certain situations, such as lack of training, falsification of certificates, and the need for retraining. A small and permanent workforce could be trained in specific skills and retrained as necessary. In such an environment, workers would become loyal to the company, whereas lack of stability in employment led to mercenary attitudes among workers. In order to achieve greater efficiency in work there must be greater regulation. Deregulation and flexibility must cease, in order to bring an end to precarious situations, such as outsourcing, which resulted in a lack of commitment on the part of workers.

- 33.** He also said that the discussion on decent work and efficiency was intended to find a balance and overcome the dichotomy between the two. The use of methods such as outsourcing sought to downgrade labour remuneration and avoid respect for labour rights. The use of contractual labour did not ensure permanent employment but rather the use of transitory workers from whom employers could obtain the greatest possible amount of work and effort for the purposes of enhanced competition. Such a concept was contradictory to the principle of decent work. The use of protectionist measures that ran counter to dialogue between workers and employers was ultimately harmful to efficiency. Employers would ultimately require skilled employees with job security who were motivated and given incentives to work to the best of their ability. Employers should adopt a policy that truly reflected the best possible practices, rather than simply seeking to obtain the greatest utility.
- 34.** A Worker member from the United Kingdom insisted that contrary to the ideas expressed by the representative of the Government of Nigeria, there were powers that could determine oil and gas prices. The present Meeting was intended to promote social dialogue and good industrial relations. There were problems in many areas of the industry, but the real issue at stake in the present discussions was how to establish and implement good practice worldwide. While it would be possible to spend a great deal of time discussing local and national examples of problems, there were many parts of the world in which good industrial relations existed. At the same time, however, some of the Worker members present had serious concerns with the present state of industrial relations in the industry. Every group of workers had varying degrees of problems, depending on the level of development of the country in which they were working. The present Meeting should establish a realistic goal to identify best practices in the industry and find means of ensuring their implementation. The information provided in paragraph 177 of the report regarding social dialogue in Europe could provide some guidance for the establishment of tripartite agreement on objectives for the future of social dialogue.
- 35.** A Worker member from Algeria emphasized the fruitful role that social dialogue could play in creating the conditions for decent work. Oil workers in his country sometimes enjoyed the best pay and working conditions of any sector. However, as much of the work was often offshore in isolated places, this affected workers' social life and the ability to cater to their families' needs, for instance to oversee their children's education. It was thus important to work towards improving oil workers' living conditions, which, in Algeria, had occurred through social dialogue. However, as many companies in the sector were large multinationals, this rendered it difficult for the social partners to negotiate together and engage in effective social dialogue that could generate benefits for both employers and their workers.
- 36.** The Chairperson of the Employers' group said that the issue of contractual labour had arisen consistently throughout the present discussion. While the Employers' group could agree with many of the points raised by the Worker member of Mexico, particularly on the need for comprehensive training and adequate crew numbers, they could not agree that having a fixed, permanent workforce would always be the ideal situation. Employers

focused on running efficient workplaces, and they would not employ contractual workers if that was not an efficient approach. The benefits of using contractual workers and outsourcing depended on the situation of the business. In the event that it would be more efficient to contract work out, employers should have the right to do so. He noted the high degree of consensus on the need for effective negotiations and social dialogue, especially as they related to OSH.

Good industrial relations

- 37.** The Chairperson of the Employers' group thought that there were two models for industrial relations: confrontation and collaboration, with collaboration being the preferred choice. Establishing a collaborative approach required effort on all sides. The key elements of this approach were a strong link between employers and workers, transparency, and fairness in relationships and practices, with emphasis on the latter two elements. It was not mandatory to have trade unions in order to have good industrial relations. For various reasons trade union memberships were declining in the industry, moreover unions did not always concentrate on the employment relationship, which could sometimes be difficult and was not always a factor for harmonious relations. An educated and multi-skilled workforce were important, as was the role of government in ensuring minimum conditions of employment, though employers could certainly go beyond the minimum. Summing up, an open and transparent relationship with workers formed the basis of good industrial relations and this did not necessarily require the intervention of other parties.
- 38.** An Employer member from Spain cited a national framework agreement that included all companies in Spain and a European agreement as concrete examples that had created a good industrial relations climate in his country. A project to create a global agreement was under way but not yet completed.
- 39.** The Chairperson of the Workers' group shared many of the viewpoints expressed by the Employers' group, but insisted that the point regarding declining trade union membership was only partially correct. The decline in some areas, such as formerly planned economy countries, was in fact due to overall loss of employment and a resulting decline in the number of workers. Trade unions remained very much alive. In certain areas, such as the Gulf States, it was nearly impossible to establish trade unions, though trade unions had been formed in Kuwait and Iraq. The bilateral approach between employers and employees to solve problems in the workplace worked best. All parties needed to recognize the importance of and respect the work done by the individual, regardless of skill and wage level. Bilateral agreements could also be the basis for local, national and global agreements. Three examples of global agreements were those concluded with the enterprises ENI, Lukoil and Statoil Hydro. Companies needed to respond to trade unions, including international trade unions, by building strong relationships and reaching agreements on issues facing enterprises and workers at various levels – local, regional, national and international. Governments could help parties build better relationships by establishing a framework of good laws and regulations, and by consulting all parties regarding new laws and oil and gas industry policies. Involving workers and employers in consultations together helped to build relationships based on common worker and employer interests.
- 40.** A Worker member from the United Kingdom spoke about safety issues, acknowledging that some accidents were beyond the control of companies. Trade unions were also not excused from responsibilities in this area, as their role in the tripartite structure was to ensure that workers (such as those flying helicopters) were trained in the best way. However, there were a number of areas in the world where industry ignored trade unions, on grounds that it was preferable to talk directly to the general workforce. An example was the atmosphere on the oil rig Piper Alpha four months before an accident, where no one

talked to a trade union for fear of being taken off the rig. After the Piper Alpha accident, relationships between government, trade unions and employers improved, as they were forced to sit together to address problems. Employers and trade unions would not always agree, but in the main, where trade unions were in place and working effectively, offshore workplaces such as around Australia and in the North Sea were the safest in the world as there were mechanisms in place to improve safety. In other areas, such as Mexico, a different environment existed. While many proclaimed their adherence to ILO principles, they did not always apply them in practise. When trade unions and employers worked together, the oil and gas industry became a blessing and not a curse as, for example, in Timor-Leste, where assistance was being provided to put in place all facets of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), as listed in the report to the Meeting. The positive examples of governments and employers acting together with trade unions demonstrated that relationships were being built around the world that made a difference to workers and not just to shareholders.

41. The representative of the Government of the Philippines stressed the importance of five key points for the promotion of good industrial relations in the industry. These were: strong and healthy trade unions; legislation, including defining working terms and conditions with the involvement of workers, employers and social partners; the shared responsibility of workers and employers to build an educated and competent workforce; more debate on oil and gas as an essential service, and the rights of migrant workers to strike; and collective bargaining agreements to promote the interests of workers.
42. The representative of the Government of Algeria noted that industrial relations were an important part of economic life and helped enterprises meet economic challenges, leading to greater responsibilities for those in companies. Good industrial relations were the result of maintaining the hopes of both sides – social dialogue should be a win-win process. The key issues were the scope of collective bargaining, training, and conditions of work. Framework agreements had to be established, periodically monitored by government and adapted to changing circumstances as needed. In Algeria, experience had shown that it was important to have labour legislation that enabled various parties to meet and to have a legislative framework that clearly specified the responsibilities of each party.
43. The representative of the Government of Nigeria explained that his country did not have problems with trade unions in large companies, as they had standard practices and methods of dispute resolution in place. However, there were still problems with trade union recognition in smaller companies. These companies often adopted anti-union strategies via the use of “trade groups”, which were not recognized as trade unions, to assume the role of unions. Since workers did not contribute to these groups, the outcome of consultations/negotiations with employers worked against them and the trade unions. This posed a challenge to trade unions’ ability to mobilize workers on the basis of union membership. In terms of the workforce, junior workers were fewer in the oil and gas sector of Nigeria. There were questions over the validity of the labour contract system as it undercut employment relationships. Poaching of employees, who were often drawn to contract companies where conditions seemed better, created instability in the labour market. The right to strike was a challenge, as oil and gas was regarded as an essential service in Nigeria. Because 78 per cent of its foreign exchange came from oil, Nigeria needed to be able to limit the frequency of strikes, hence the establishment of dispute resolution centres. If the resolution process in place was not exhausted, strikes were considered to be illegal, but in practise, workers often went on strike anyway.
44. The representative of the Government of Norway stated that Norway had good tripartite and bilateral relations in the petroleum industry. Norway’s legislation applied to all parties, including international companies, regardless of type of work. They had strong industrial relations regarding health and safety, where transparency was very important. There were

strong organizations on both sides and strong authorities to ensure compliance with the right to organize. Norway had both collective bargaining agreements and arenas for dialogue on relevant issues built on mutual respect and equality. Good social relations required a skilled workforce. As this was a complex industry, all groups needed to be skilled. The importance of sound knowledge of health and safety, companies' responsibility to have a good system and the need for workers to be aware and work in accordance with rules and regulations were underlined. Regarding job security, it was important that all three parties understood and exercised their roles in decisions about employment.

- 45.** A Worker member from Algeria recalled that trade unions and enterprises were partners. Trade unions were developing in Algeria and would soon be working to full capacity, owing to an economic and social agreement concluded at the national level that would enable employers and unions to work in harmony. In order to promote good industrial relations employers should involve trade unions in works councils and committees. Employers and workers needed each other: an enterprise wishing to make a profit depended on its workforce, and workers wanting to enjoy their economic and social rights depended on their employers. Workers had a right to information on the life of the enterprise, and efforts were needed to ensure that workers felt a spirit of belonging to their company. Social dialogue ensured good industrial relations and avoided deteriorating social situations, as several countries had experienced when conflicts erupted against employers. In that regard, appropriate management was required, with good workplace committees and a good regulatory framework. Trade unions should be included in the development of human resources policies, and the assessment of workers' training needs, as well as in the consideration of health and safety and other social issues. Transport and hydrocarbon units were among the most vulnerable sectors that needed workers' involvement to address potential industrial health and safety problems. The absence of trade unions in certain countries and regions had resulted in a lack of respect for workers' rights; in this regard the prohibition of trade unions in certain countries was unacceptable. Although very few women were employed in the oil and gas sector, their right to maternity protection must be given increased consideration. Greater efforts should also be made by multinationals to ensure the recognition of migrant workers' rights.
- 46.** A Worker member from Mexico stated that the trade union movement had developed in response to the actions of employers. Workers had found it necessary to come together to protect their basic rights. Trade unions and enterprises complemented each other and therefore must develop together in a spirit of mutual respect. To this end, employers must not obstruct trade unions, and governments must not focus on their own economic interests. Education was vital for ensuring good industrial relations in the oil industry. Collective bargaining and other agreements entered into at the national and international levels must be respected. Governments must also understand their regulatory responsibilities and should not merely give or receive orders from employers.
- 47.** A Worker member from Australia stated that Employers usually heralded the importance of ILO Conventions, but in practice did not seek to enforce them. On the subject of trade unionism in decline and union membership, the case of Australia was interesting given the draconian labour legislation adopted in past years, even more radical than that of the United Kingdom under the Thatcher government and the United States during the Reagan administration. The Government and employers' organizations had designed such legislation in Australia, but the population in general rejected it and the Prime Minister was not re-elected. Admittedly, the issue of industrial relations was not an easy subject, but good practices in this field to address the six points for discussion in this Meeting represented the way forward.
- 48.** The representative of the Government of Chad said that good industrial relations represented the basis of social peace, including in the oil industry. Legislation on the issue

must be clear. Chad had limited experience in that regard, and had found that some of its legal texts could not be applied to the oil and gas in the same way as they could to other sectors. Although, initially, contact between employers and workers had been problematic owing to a lack of experience, the decision to establish a trade union had facilitated the situation for employers and workers alike. Enterprises had learned to negotiate with workers, progress had been made on some issues and the Government was also more willing to hold discussions with employers and workers. Without a positive and peaceful social climate, workers would be tempted to make themselves heard by striking, hence the importance of good industrial relations.

49. The representative of the Government of Côte d'Ivoire noted that in certain situations when a trade union was already present and making claims in an enterprise, the employers encouraged the establishment of a second trade union to counterbalance the first. That situation could result in conflict and he wondered whether, according to ILO basic principles, enterprises had the right to encourage the creation of trade unions in their own interests.
50. The representative of the Government of Niger said that only seven months previously Niger had taken its first steps into the oil and gas industry. Its legislative framework was therefore elementary and no collective agreements had yet been concluded. Particular problems that must be addressed included working hours and remuneration. Training for workers was also problematic, and workers tended not to be well informed on the issue of trade unions. Trade unions were currently not located in the same region as the oil and gas industry. There were, however, staff representatives in the oil industry, and it was hoped that unions would be established in the near future.
51. In reply to the query from the representative of the Government of Côte d'Ivoire, the Secretary-General of the Meeting read out the provisions of article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), on the rights of workers and employers to establish and to join organizations of their own choosing without previous authorization. Article 2 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ensured protection for workers' and employers' organizations from acts of interference in their establishment, functioning or administration; in particular, acts designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations; by financial or other means.
52. An Employer member from Mexico said there was no doubt that good labour relations required recognition of the interests of workers and enterprises alike, fostering mutual respect and establishing and maintaining a balance between enterprises, workers and government. In certain cases, trade unionists worked for their own personal interests, rather than for the interests of the union as a whole, which disrupted the relationship between workers and the company. Governments, employers and trade unions must all be vigilant not to promote individual interests over the common good.
53. The Chairperson of the Employers' group summed up the discussion from his group's perspective, noting with satisfaction that many ideas on the benefits of good industrial relations were shared between the three parties. Since trade unions had been established to protect workers' rights, he wondered until when, after a rights issue had been resolved, could a trade union legitimately continue its involvement in such a situation. In response to an earlier comment made by a Worker member, who had painted a grim picture of Australian labour relations, it should be clear that one reason the Labour Party in Australia had returned to power in 2007 was because of its labour relations policies. However, the picture painted of easier dismissals in companies with fewer than 100 people was not correct, and the principle had not been supported by employers' organizations. They had considered that 20 people constituted the correct number to define a small company for

purposes of lay-off procedures, and it was now 15. It was unfair to say that all remedies for workers had been removed in the previous administration.

54. The Chairperson closed the discussion on industrial relations, acknowledging the consensus among the Workers and Employers on the importance of social dialogue and good industrial relations. The Governments' experiences described in the discussion had ranged from highly developed approaches underpinned by comprehensive legislation, to recently established industries with little experience. He highlighted that all the ILO Conventions had been adopted as a result of tripartite discussion and should be used as a model for industrial relations.

Contract labour: Challenges and opportunities

55. The Chairperson of the Workers' group defined contract companies as those that worked for an operating company. The variety of contract work in the oil industry included subcontracting companies for drilling, logging and testing, helicopter transport and diving companies. Another type of contractor provided special services for the operating company like limited maintenance and specialized construction. The third type of subcontractor is of concern for the unions because the outsourced services led to lower pay, limited control of working hours and lesser OSH standards for the workers. The ILO's Tripartite Meeting on Oil and Gas Production and Oil Refining held in February 2002 had discussed the same issues and concluded among other matters that: (a) responsibility for the overall OSH management system should rest with the operator; (b) the principal employer has the overall responsibility to ensure that workers in contracting and subcontracting companies have the appropriate training and information for their tasks on the employer's premises; and (c) the principal employer should provide contractors and subcontractors with its own standards or code of conduct on safety and health and workers' rights. In the Workers' view, the principal company should employ oil-field workers. A case was cited of a company that had integrated the catering service into the operating company with considerable benefits.
56. A Worker member representing the ITF explained that technical and system failures were the major causes of helicopter accidents. One of the problems was that authorities still accepted old helicopters. Companies should put the EU and/or United States (US) standards on helicopter transport into contracts with contracting companies. There was a need for guidelines at international level. The Chairperson of the Workers' group stressed the need to deal with the question of safe helicopter transport as 25 per cent of the industry's accidents resulted from helicopter incidents.
57. The Chairperson of the Employers' group agreed with the Workers' definition of contract labour. The discussion was not about prohibition of contract labour but about the responsibilities of the principal employer vis-à-vis the contract workers. Contract labour provided opportunities for companies to do their business better and function more effectively. There was also a need for short-term contract work. There should be no discrimination towards contract workers in OSH matters, and either the principal employer or the government had to provide information on the standards. On the other hand, contract labour was not equivalent to permanent labour in terms of working conditions and pay; in fact contract workers might be even better paid than permanent workers. The Employers' group was not in a position to comment on the helicopter safety proposal put forward by the Workers' group.
58. An Employer member from Peru referred to the ILO's Tripartite Meeting on Employment and Industrial Relations Issues in Oil Refining held in 1998 in which a definition of subcontracting could not be reached. Moreover, the Private Employment Agencies

Convention, 1997 (No. 181), illustrated the difficulties in finding a definition on this matter, hence the importance of national legislation.

- 59.** The representative of the IOE insisted that the EU and US aviation regulations on helicopters were outside the ILO mandate but could be considered as part of the Meeting's conclusions if agreed by the Working Party. Moreover, a definition on contract labour definitely was not agreed at the 2002 meeting of the ILO.
- 60.** The Chairperson of the Workers' group expressed surprise at the reference to the 1998 meeting since a definition of contract labour had not been achieved in the 2002 meeting.
- 61.** The Chairperson of the Government group stated that contract labour was a global phenomenon and summarized the Governments' position on point 3 as follows:
- the type of contract labour needed to be carefully defined in relation to the descriptions provided in the Office's report to the Meeting (paragraph 147);
 - a common concern existed regarding OSH for contract workers as well as the type of protection afforded them;
 - the responsibility of the principal and contracting company for certain matters was of great importance;
 - labour inspection, proper training and the number of inspectors were important;
 - legislation on these issues was of considerable importance; and
 - contract labour established to hold down costs needed to be engaged in a framework of appropriate rules.
- 62.** The representative of the Government of Algeria focused on the apparent consensus on two topics: first, human resources issues for the company and the subcontractors; and second, the responsibility of the principal employer towards contract labour. Besides the fact that the companies have to respect labour legislation, the key question was on how to create good labour relations in the subcontracting companies. Stress was placed on the monitoring of legislation through labour inspectors and the conformity of national legislation with ILO Conventions and regulations. The Maritime Labour Convention, 2006 (MLC), provided a good example of the relationship between the principal employer and subcontractor and the link to legislative regulations.
- 63.** A Worker member from Mexico referred to oil production in major fields in Mexico in relation to labour issues, notably the high degree of subcontracting by the national producer PEMEX. According to information available in July 2007, there were more than 5,000 worker complaints about violations of labour rights, which had led the Mexican Congress to request the Secretariat of Labour and Social Protection and PEMEX to take measures that would guarantee the security and decent working conditions of workers in subcontracting enterprises. Complaints investigated as part of Secretariat of Labour and Social Protection inspections included: forcing workers to sign blank contracts and resignation letters beforehand to be filled in later by the employers; lack of paid rest days and long stretches of excessive hours (12-hour days), minimal or non-payment of holiday benefits and daily allowances, poor accommodation and limited medical services, especially on platforms; enterprises short changing the benefits of workers on grounds that they worked under short-term contracts or large-scale recourse to lay-offs at the end of one year and rehiring workers at the beginning of the next year; forcing workers to join so-called "white" unions with blank affiliation sheets; lack of training for high-risk jobs; differences in the wage information supplied to the Government compared to actual wages,

wage discrepancies by professional category and payment with uncovered bank drafts; threats of dismissal used to limit demands for better working conditions; and irregular employment relationships – “triangulation” whereby an agreement was made with one enterprise, payment received from a second one and the work actually done for a third one. Under these circumstances, it was not surprising that accidents happened, and that the National Commission of Human Rights confirmed the existence of problems. This Meeting was important to help with implementation of conditions guaranteeing the safety of workers by identifying best practices to be put into effect in Mexico.

- 64.** The Worker member from Algeria called for a differentiation between countries and between activities. Disrespect for ILO standards on the employment relationship and on the basic rights of workers could lead to worker frustration. Workers found it difficult to accept a number of poor conditions, for example wage differentials, lack of health provision, and working in isolated sites, which showed a lack of respect for decent work in enterprises. Given the extent of outsourcing, regrouping subsidiaries by several parent companies and obliging subcontractors to respect the law constituted proposals worth exploring. For example, minimum pay was actually below that set out in contracts and subcontractors often did not provide health-care support, depending in this respect on the parent company. Recalling earlier statements by the Worker members, helicopter transportation as a factor in loss of human life needed to be addressed.
- 65.** A Worker member from Australia noted that the points under discussion could not be addressed in isolation, and gave examples of linkages. Employers made positive statements at the ILO but did the reverse away from it. The issue of contract labour was not a problem for the workers as long as decent working conditions were respected.
- 66.** An Employer member from Mexico agreed that irregularities in the matter of security and health had been observed in some perforation platforms located in the oil fields of the Gulf of Mexico, which subcontractors operate; but he indicated that the accidents that have taken place in the platforms in Mexico are not different from those which have taken place in other parts of the world and emphasized that the situation is not “serious” as has been said. It is nevertheless a subject to which major attention is due, mainly now that Mexico has begun to work in deep water perforation. On the other hand, he indicated that it drew his attention to hear that the workers had divergent opinions with regard to the work in the subcontracting regime, even though this is a worldwide practice, and it was not clear if they supported this practice or not.
- 67.** The Employer member from Peru pointed out that subcontracting was a way of creating employment. Without it, many people would not have an opportunity to work. The contract between a worker and a subcontractor involved an individual contract, allowing them to set their own working conditions. If these conditions were not met, they could look for other jobs. This was especially the case in engineering, where many companies sought qualified people. Workers had no obligation to be part of a union, as stated in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Promoting mandatory union membership would constitute interference in companies and their administration, which was banned by the Convention.
- 68.** The Chairperson of the Workers’ group clarified that the Workers were not against the principle of contractors, as some were certainly needed. However, there was great variation in their working conditions; some subcontractors did not provide a proper working environment. Reiterating that the conclusions of the ILO’s 2002 meeting on the industry had stated that the overall responsibility for such an environment lay with the operating company, workers should press companies harder on their responsibilities for a proper working environment beyond just health and safety. If the Employers’ group position that the main purpose of companies was to generate profits for shareholders could be accepted, employers also had to accept that to avoid carrying this concept to an extreme, trade unions

served as watchdogs to ensure that those employed by subcontractors did not work in inferior conditions to those of other workers.

- 69.** A Worker member from the United Kingdom recognized that contract labour was an integral part of the industry. With reference to paragraph 148 of the report to the Meeting and to the Employment Relationship Recommendation, 2006 (No. 198), the use of contractors made it difficult to determine who was responsible for workers' rights in the chain of production within the oil and gas industry. The Lord Cullen report that followed the Alpha Piper accident had made recommendations regarding required changes to create a safer work environment. In the United Kingdom, the operator was responsible for every aspect of the employment relationship, regardless of whether contract labour was used; the chain of responsibility went up to the operator, even if accidents took place further down the chain. Good practices for identifying the key players in the industry had been established in the North Sea, but this was not the case in Mexico, for instance, where attitudes existing prior to the Piper Alpha accident still prevailed. It was important to ensure that workers were covered by the same good practice regarding accountability and responsibility wherever they were, and were not left unprotected as soon as a company moved to a different area with lower standards. The guidance provided by the Lord Cullen report should be revisited. On the positive side, cooperation between caterers bidding for contracts in the United Kingdom had progressed. Previously, the caterers quoting the lowest costs had won the contracts, meaning that companies with good standards could not compete. In collaboration with trade unions, a system had been put in place that included training, pensions and other benefits for catering workers, with costs shared by all companies, resulting in a levelling of the playing field in the bidding process.
- 70.** A Worker member from Norway said that proof of the long-term health effects of diving had emerged in the North Sea. Many divers in Norway could no longer work due to physical and psychological problems, including post-traumatic stress disorder. Long-term contracts were key to improving working conditions for divers so that effects could be measured. It was also necessary to improve health surveillance for divers, to have a retirement system and to establish a code of safe practice that was recognized as a worldwide standard. The work on this code that had been started should continue.
- 71.** A Worker member from Algeria expressed the view that subcontracting did not create employment, since the jobs already existed and were simply being outsourced by multinational companies or moved elsewhere. As a result, different wages for core and non-core workers were applied. There needed to be a legal framework for subcontracting that was recognized throughout the world.
- 72.** Before closing discussion on this point, the Chairperson summarized the main points discussed. He noted:
- the importance to reach agreement on the definition of subcontracting and the basic minimum conditions for its exercise;
 - the identification of best practices on health and safety issues; concerns persisted over the excessive use of subcontractors, resulting in a potential or actual dilution of coherence and responsibility for accidents and health and safety; for these reasons international protocols setting standards to health and safety issues were to be considered;
 - discrimination against workers on their terms and conditions of employment needed to be avoided and required a legislative approach;
 - governments needed to strengthen labour inspection with sufficient people and resources.

Skills and qualifications for sustainable employment

73. The Chairperson of the Employers' group thought that appropriate qualifications constituted the most important element for an employee's career in the industry, and in some cases, multiple qualifications and skills were necessary. New technology required additional training and continual upgrading. Employees themselves often organized their own training, sometimes with help from the employer. Universities and colleges should direct their attention to specific oil and gas topics. The industry witnessed some disequilibrium in its employment of young people and women, perhaps due in part to its erroneous image as being dirty, dangerous, having long hours, and with no green or clean product. It was necessary to change practices and employ as many women and young people in the workplace as possible; the industry's employers recognized that they had a responsibility to promote employment of these groups. To do so, the industry needed to become more family friendly in addition to providing high wages. That said, it was not possible to change the physical environment where the work took place, such as deserts and oceans. There were as many women as men studying relevant topics at university, but the women did not pursue employment in the oil and gas industry. A lot of work was required to make the industry more attractive.
74. An Employer member from Norway noted that it was particularly important for the oil industry to recruit well-educated employees, in order to face the many challenges that would arise in the future. In the oil and gas sector in Norway, 20 per cent of the workforce was female, while 50 per cent of high school and university graduates were women. The oil industry therefore needed to make efforts to attract female employees. Two years ago the employers' organization that he represented had begun a career development programme to promote female employment, the objective of which was to inspire women to choose the oil sector, and to bring women into management positions. Companies were asked to nominate female participants for the programme and to commit to promoting them to management positions. The programme had yielded positive results and had the support of all oil companies. Norway's experience in that regard could serve as an example for other countries.
75. Speaking about recruitment, the Chairperson of the Workers' group found that the situation was different in each country. In some countries many young people went into the industry. Generally speaking though, working in the oil industry was not popular and this needed to be addressed. Getting qualified people had become a general problem in many industries, requiring that the oil and gas industry needed to find ways to encourage young people to study technical subjects and natural sciences with a view to their employment in oil and gas. More work was needed to create a better reputation for the industry, notably to demonstrate its importance and care for the environment by trying to produce oil and gas in the most environmentally friendly way possible. Some countries, such as Canada and Norway, had programmes for "capturing" CO₂ to reduce greenhouse gas emissions, one way to make the industry more attractive. Many oil companies had turned into "energy" companies and had begun to create sustainable, renewable energy, but no scenario existed in which fossil fuels could be done away with in the next 100 years. While industrialized countries used a considerable amount of energy per capita, in other countries some people did not have access to any energy. To provide a better standard of living in large parts of the world, the industry needed to increase production enormously. If the energy supply of Western Europe were to be done with wind and solar energy, one would need 16,000 of the largest windmills to be built and solar energy in the region of an area the size of 50,000 football stadiums per year until 2040. Clearly, other solutions were required. The topic of women in the oil sector was a highly debated one, particularly for offshore work. Trends in Norway were illustrative of progress and continued difficulties in a country that had more women working in the oil fields than any other country. In Norway the first woman had worked on an oil platform in 1978 but today catering services employed the largest number of women (40 per cent). The majority of medics were women and there

were some female control operators. Although the logging and testing branch had seen an increase in female employment, women remained severely under-represented in diving and drilling. The target of 35 per cent of women employed on platforms had never come close to being achieved. In some countries, such as the Russian Federation, women were forbidden from working on platforms. Nevertheless, it was encouraging that many young women were becoming physicists and geologists. In that respect, initiatives taken by employers in Norway merited attention, notably the programme to increase women's recruitment in the oil sector mentioned already, and that of the company Statoil Hydro, to provide female employees with a year at university on full pay in order to favour their promotion into more technical positions.

- 76.** A Worker member from Algeria observed that the oil and gas sector was not well known to students and young people. In Algeria, training had been offered to secondary-school pupils in order to inform them about vocational opportunities in the sector, including organized trips to industrial sites, upstream and downstream, to show the available employment opportunities. Since skilled workers were essential, several specialized higher education institutions had been established, including a university dedicated to hydrocarbon studies, and other institutions had been set up to provide ongoing training so as to improve the scientific and technical skills of employees. On the subject of women's employment, of the 105,000 workers in the sector, 13,000 were women, not including women working in subcontracting services such as catering and secretarial services. Brain drain remained a problem, and efforts were being made to give incentives for skilled workers to remain in Algeria. At present the law required that 1 per cent of the wage bill must be devoted to training and development, but that amount was due to be increased to 10 per cent. A sponsorship system was being introduced, whereby university students would receive funds for education from oil companies. The employment of women in the upstream sector of the industry, such as desert and oil field-based work, was problematic since it was difficult for them to reconcile the demands of that type of work with their domestic responsibilities. Very few women were therefore employed in drilling and exploration.
- 77.** A Worker member from Australia considered that the question of training and recruitment warranted a study in itself. More consideration should be given to assisting developing nations in the management of their oil and gas resources and, in particular, the establishment of training opportunities to create a skilled local workforce, rather than relying on migrant labour. For example, Timor-Leste had considerable reserves of oil and gas, yet foreign companies employing foreign labour carried out the bulk of the work in the sector. His trade union, together with the ITF, were making efforts to assist in the establishment of trade unions in the oil and gas sector in Timor-Leste.
- 78.** A Worker member from the United Kingdom pointed out that the ITF had recently visited the Philippines and its Maritime Academy to discuss the issue of skilled training and preparedness for health and safety. That initiative had been undertaken in conjunction with an oil company based in Aberdeen, Scotland, in the United Kingdom. Efforts were being made to improve the opportunities for Filipino seafarers, male and female alike, in the oil industry.
- 79.** A Worker member from Algeria expressed concern that technical training was very expensive and companies were in competition for qualified staff. That situation could result in headhunting, and companies losing staff that they had paid to train. He wondered how an agreement could be reached to avoid the poaching of skilled staff.
- 80.** An Employer member from Mexico replied that companies should be free to recruit qualified staff as they saw fit, since restrictions in that regard would be contrary to freedom of employment and non-discrimination.

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- 81.** The Chairperson of the Government group said that the group recognized that the shortage of qualified workers in the oil industry could affect growth of the sector. The situation was a grave concern for governments, and measures must be taken to continue to upgrade skills. Training should be regarded as a long-term contribution and investment, rather than an immediate cost. Efforts should be made to adapt workers' skills to cope with developments in technology and changes in the workplace. The use of internal and external training institutions was highly recommended in that regard. Education campaigns were particularly important to attract young workers, including women, as were measures to ensure a safe and good working environment in the industry.
- 82.** The Government representative of Algeria emphasized that skills and qualifications were crucial to the success of any sector. The oil and gas sector was characterized by very high investment in medium- and long-term re-exploration, production and logistical support. Workers required good training, and training institutions specific to the sector were, therefore, essential. Rather than looking at classic management constraints to women's employment, attention should be paid to developing the presence of women in technical jobs, such as production and exploration. As much as 58 per cent of Algerian university students were female. His country had adopted a ministerial directive on the promotion of female employment in the hydrocarbon sector. An observatory for gender equality had been established in order to monitor women's recruitment and take measures to ensure that they were employed in the industry at the highest hierarchical levels.
- 83.** The Government representative of Malaysia stated that human resources development, including through education, was essential for increasing skills and economic development, and for helping workers to access decent work. Malaysia had launched a national blueprint for skills development in order to develop a competent and holistic workforce. Understanding the dynamics of, and determining strategies to meet, recruitment challenges, required input from various stakeholders, hence the essential role played by tripartism. A spirit of collaboration among the social partners was particularly important with regard to training and lifelong learning as a basis for identifying and addressing changing employment patterns in the oil and gas industry.
- 84.** The Government representative of the Philippines agreed that the shortage of skilled workers was one of the most serious issues confronting the industry. In the Philippines, the employment of foreign workers filled part of that shortage. As a labour-sending country, the Philippines had found that many of its young workers were immigrating to other countries for employment in the oil and gas sector, attracted by economic benefits, good treatment from employers and host governments, professional growth opportunities, and a safer working environment. The Philippines did not have the means to provide those workers with sufficient professional training and skills, and the Government was, therefore, constructing partnerships with foreign employers in an effort to better prepare and retain employees.
- 85.** The Government representative of Chad declared that, although Chad was not at the forefront of training developments, the Government attached considerable importance to training. It was therefore making efforts to develop specialized training programmes and establish a coherent training policy. Sufficient budgetary resources must be set aside to ensure that training could be completed. In Chad, standards had been set in the oil sector, which provided that workers must be given appropriate training to ensure they had the relevant theoretical and practical knowledge to do their jobs properly. Although Chad did not have a specialized training institution such as that established in Algeria, incentives, in the form of scholarships, were given to young women to encourage them to train for jobs in technical sectors.
- 86.** The Chairperson, summing up the discussion, said that it was clear the industry faced certain problems with regard to recruitment, particularly since the sector did not have a

favourable image among young workers. The apparent aversion to technical careers among young people required that governments respond by implementing campaigns to promote the study of technical subjects. Some interesting examples had been given on the establishment of universities and training courses in that regard. The discussion had revealed a general agreement that, even in countries with high levels of professional training, a large gap continued between the proportion of women completing university courses and their employment proportion in the oil sector, particularly in technical positions and field activities. The participants had agreed on the need to promote the training and recruitment of women. They had also agreed on the need for comprehensive and coherent training, which would lead to recruitment. Concerns had been expressed on the issue of the poaching of trained employees by some companies or governments, and on the question of reconciling efforts to prevent such practices with the principles of free hiring and non-discriminatory employment. There had been a general consensus on the need to improve the image of the industry in order to create interest among young and highly skilled workers, and in particular the need to emphasize the environmental efforts being made so as to demonstrate that the sector was not merely a dirty industry.

Social dialogue and governance: Promoting sustainable enterprises and decent work

87. Several Worker members opened the discussion. The Worker member from Australia noted that there were two competing ideologies on these points: one saw workforce collective agreements and unions as a threat to employers, whereas, in the other, the right of association, collective bargaining and social dialogue were viewed as an opportunity. In his country it was generally seen as a threat. There was a totally different approach to industrial relations in Australia compared to other countries, but an opportunity now existed for a new philosophy to be developed between workers and employers. In the last 30 years the country had suffered from total deregulation, lack of accountability, and little governance. Countries like Australia and the United States were now calling for stronger accountability and regulation as a result of the financial crisis. Consideration should be given to organizing regional meetings or seminars in order to focus on specific issues. The outcomes would be more effective with a regional approach.
88. A Worker member from Singapore explained that in his country social dialogue had contributed to the promotion of sustainable enterprises. A regular tripartite forum existed to discuss various issues, including the ageing workforce, retirement and, during the economic crisis, how to help businesses and employees survive. A US\$2.8 billion package had been established, of which \$4.2 million was allocated for training and the rest was a job credit for companies to help them reduce costs and save jobs. Tripartite fundraising has also been undertaken on behalf of low-income workers. At the bipartite level, many companies and unions had institutionalized social dialogue. His union had included it in their collective agreement with the employer.
89. A Worker member from Algeria considered that it was necessary to identify processes that would succeed both economically and socially. It was important to go for a win-win situation and all parties had to create conditions that facilitated such an outcome. A balance of power was desirable, requiring strong unions. As an example one technical enterprise in a European country that employed 1,000 people had radically changed its direction, but had worked with the union and government to retrain workers. Thanks to social dialogue it was able to change, maintain its activities and keep the majority of its workers. In an example from Algeria, a large petroleum company had regular social dialogue with social partners at all levels, and this had been judged a positive experience since the social partners understood and accepted the limits to such cooperation. As mentioned earlier, a National Economic and Social Covenant had recently led to the negotiation of 40 collective agreements and the preservation of employment through a financial support

plan. Other examples were: the creation of national retirement funds; participation in national and industrial policy, where employers, workers and government met to discuss future social policy with job creation in mind; branch agreements with subsidiaries; provision of workers' housing outside of national programmes; various funds for both workers and employers, including one that provided money to survivors of deceased workers; the setting up of health-care centres; and a group agreement to set up a subsidiary air transport system. Algeria also had a fairly developed training programme for drilling, physics and related areas. Social dialogue could only produce better results and strengthen the prospects of industrial groups.

- 90.** The Chairperson of the Employers' group acknowledged that oil and gas companies had a CSR, but said that the companies did a lot to fulfil their obligations. Employers did not agree with the Workers' group that further compulsory regulation was a good idea. A lot of the work done by companies was often "expected" and was not acknowledged. They contributed to infrastructure, support for indigenous communities, sporting activities, medical facilities, etc. Social dialogue to address workplace issues was important, but employers were concerned that some of these CSRs had become mandatory, with the list of contractually enforceable items continuing to expand. Anything above a minimum agreed standard should be on a discretionary basis. Paragraph 194 of the report to the Meeting stated that CSR was a voluntary initiative. The suggestion made by the Workers' group that CSR should be stronger than it was at present could not be accepted.
- 91.** An Employer member from Algeria asserted that social dialogue should always be approached with the idea of achieving consensus. The workers' state of mind was important to the social and labour situation. In Algeria, a large number of companies that had once been in the state sector were now privatized and owned by workers. As company owners the workers had brought a totally different approach to dialogue. Social dialogue was a permanent institution in Algeria. Workers and employers had drafted and adopted the National Economic and Social Covenant, which institutionalized dialogue and good governance. A number of branch agreements also existed in the private sector, which increasingly found itself addressing the question of enterprises' social responsibilities.
- 92.** The Chairperson of the Government group indicated that governments recognized the importance of social dialogue and its central role in promoting good industrial relations. Governments should take the lead in promoting social dialogue. While social dialogue had many forms, its regularity and the involvement of social partners and other stakeholders could not be under-emphasized. Good governance depended on transparency in decision-making and reporting. Governments recognized the voluntary nature of CSR and its role in advancing the welfare of workers in the community. CSR benefited enterprises but measures to be taken should be within the capacities of employers, and it was important to engage existing stakeholders in them. Governments' role was to create an enabling environment to promote CSR, including through documenting best practices and diffusing information to stakeholders. Codes of conduct were also important, as was the need for all to recognize that CSR could not substitute the role of government.
- 93.** The representative of the Government of Algeria thought it was important to build consensus based on confidence and trust. As an example of a good practice, since 1990 Algeria had worked to establish proper machinery to implement national labour legislation, promoting social dialogue in parallel to implementation measures. Various areas of cooperation had been developed along with regular national meetings with social partners. These meetings had led to the National Economic and Social Covenant referred to on several occasions. The ILO had commended Algeria for this legislation. Collective agreements had been concluded at the sectoral level, leading so far to the signing in total of 150 collective bargaining agreements. In the oil and gas sector opportunities existed for more agreements to promote good relations between the social partners. The Government of Algeria also monitored the measures taken and assigned an important role to a

strengthened labour inspectorate, which had been a positive actor in the monitoring process, as well as supporting action between social partners in the workplace. The inspectorate also registered collective agreements. It was the only government regulatory body governed by an international convention. Algeria had therefore undertaken considerable efforts to allow the inspectorate to be actively present in the working world. The fact that oilfields functioned in isolated areas had not stopped the labour inspectorate from going there and promoting social dialogue.

- 94.** The representative of the Government of Niger said that the core ILO Conventions, to which Niger was party, served as a basis for social dialogue. At the national level an advisory committee for labour had been established to draft texts governing working conditions. Involving the social partners in the drafting of such texts was an effective means of avoiding disputes when those texts were applied. In the event of a dispute, however, social dialogue was used as a means of finding a solution. Employers' organizations, staff representatives, trade unions and other partners in enterprises were encouraged to discuss any problems and find solutions together in order to prevent potential disputes. There was still little social dialogue in the oil sector in Niger, since the industry was in its infancy. However, social dialogue functioned appropriately in other sectors and was supported by the appropriate legal framework.
- 95.** The representative of the Government of Norway observed that in her country companies were subject to regulation requirements, which stated that they must facilitate the participation and involvement of workers in all elements of OSH. Changes of company policy or technology also required the involvement of workers. The main objective of the Norwegian Government's policy on social dialogue was to ensure close cooperation with the social partners. Several arenas for dialogue had been established, including a tripartite safety forum for the discussion of methods and projects regarding OSH, and a tripartite regulatory forum to draft regulations for the petroleum industry. The Government also had an auditing and monitoring role to ensure that companies complied with the established regulations. It also played an advisory role in providing guidance to employers and workers on how to ensure those regulations were respected.
- 96.** The representative of the Government of the Philippines informed the Meeting that in his country social dialogue took place at three levels: enterprise, regional and national, and on the basis of tripartism. Tripartism was both a process and a device. As a process it ensured that workers and employers were represented in economic and social initiatives, and in policy- and decision-making processes. As a device, tripartism aimed to bring about positive changes based on the expectation that democratic participation in decision-making processes rendered government policies practical, acceptable and beneficial. The Philippines had made efforts to facilitate the inclusive participation of other parties in social dialogue through a tripartite-plus approach to labour relations. It was hoped that the tripartite-plus approach would deepen social dialogue by enabling other parties with an influence on labour and social policies to be involved in the development and implementation of programmes. The Philippines recognized the important role of CSR in improving OSH, productivity and employment. Improving the quality of life of workers translated into improvements in productivity and the competitiveness of enterprises. CSR was an effective mechanism for fostering public-private partnership, and for encouraging large enterprises to assist small and medium enterprises in boosting their productivity and employment levels through a mentoring system.
- 97.** The representative of the Government of Nigeria noted that social dialogue in his country took place in the context of industrial relations. Social dialogue in the oil sector was essential since, as already noted, Nigeria's oil sector was crucial to the national economy. The framework of social dialogue varied. At the national level, employers' representatives and trade unions discussed relevant issues of great importance to them in sectoral forums. Social dialogue could take the form of consultation or collective bargaining. Collective

bargaining led to the conclusion of binding agreements, which were actionable in labour courts. Agreements on issues such as productivity, training, staff welfare, or information sharing, when reached through collective bargaining, were registered with the Ministry of Labour. Rules of engagement, consensus building, trust, information sharing and respect for the terms of agreements were strictly observed in the oil and gas sector. However, there were organizational problems with regard to service contract employers, who had difficulty recognizing the importance of unions. In the oil sector picketing constituted a particular problem, and was often resorted to when a breakdown occurred in negotiations. Nevertheless, social dialogue usually went well, and the Ministry of Labour had always mediated to prevent strikes that could disrupt the flow of oil production. If the sector continued to improve on union recognition and prevent picketing, there would be less disruption and social dialogue would result in peace, harmony and development.

- 98.** The representative of the Government of Malaysia insisted that social dialogue was a fundamental mechanism for promoting and enabling effective solutions to social and industrial relations challenges faced by the oil and gas industry. Collaboration between the social partners and other stakeholders was crucial for finding solutions to any dispute. In Malaysia an advisory council had been established at the national level, which held regular tripartite discussions on many issues. Social dialogue should include a mechanism for ensuring that solutions responded effectively to the needs of employers, workers and governments alike, and promoted their development. Particular focus should be placed on social equity and the development of the global economic environment. Good governance would facilitate sustainable development, including in the oil and gas industry.
- 99.** The representative of the Government of Chad observed that social dialogue remained a vital element in the life of companies, and no company could succeed without it. Social dialogue, practices of good governance and voluntary initiatives gave impetus to social peace. In Chad relevant bodies had been established under the Labour Code, including a high-level committee for labour and social security. Such bodies enabled tripartism to fully play its role in the settlement of disputes, and above all in the framework of social dialogue. A national committee for social dialogue had been established, and had developed a framework for action to enable enterprises to resolve any issues that might arise in industrial relations. The Government of Chad had demonstrated its political will to strengthen social dialogue, and the Minister of Labour had been instrumental in facilitating such dialogue through visits to oil sites and enterprises. The Government had also established a journal disseminated by the Ministry of Labour, which was available to the social partners nationwide.
- 100.** The Chairperson of the Workers' group pointed out the example of Statoil Hydro, which exercised considerable involvement in the social dialogue processes of almost every country in which it operated. The Workers' group wished to underline the importance of CSR initiatives.
- 101.** An Employer member from Norway complemented the information on Statoil Hydro by pointing out that the company policy agreement clearly stated that consultation with the people was necessary for the development of the company. The company had several CSR programmes in place, including enhancing local staffing of the oil and gas industry in Nigeria, technical education programmes in Algeria and the Russian Federation and a technology programme in the Bolivarian Republic of Venezuela.
- 102.** A Worker member from Mexico was pleased to hear of examples that demonstrated the willingness in many countries to conduct social dialogue and good governance in practice so that the oil and gas industry remained sustainable in a context of decent work. Sadly in Mexico, which was a major oil and gas producer, social dialogue in the oil and gas sector had practically broken down. Most employers in the sector, many of which were new companies, were unaware of the importance of social dialogue. Representatives of the

Government attended international meetings, in which they agreed with everything discussed, yet they did little to implement the decisions reached at the international level on their return to Mexico. While there were some remarkable exceptions, the situation in Mexico was particularly serious and required considerable attention. There was a general failure to respect the principles of the ILO despite Mexico's responsibility as a member State to honour agreements concluded in the Organization, which were for the benefit of all. Social dialogue and good labour practices in the oil and gas industry should lead the Government and employers to sit down with the workers to discuss issues such as freedom of association, the right to organize, the right to collective bargaining, and health and safety questions. The ILO could convene a meeting or regional seminar to promote genuine social dialogue in the oil and gas industry.

103. A Worker member from the United Kingdom said that the ITF had witnessed very successful examples of social dialogue in the Philippines and Nigeria, in which all stakeholders had successfully participated in identifying problems and moving forward. Concerning the situation in Mexico, a number of serious problems had been identified and the ITF was in the process of compiling a report on the alleged situation. The Federation would welcome the support of the Mexican Government and the ILO to investigate those allegations. In Mexico, the development of the oil and gas sector had remained national, despite the fact that the industry was global. The ITF would call on companies with statements on good governance and good practice to support efforts to ensure that allegations of human rights abuses in the industry in Mexico would be investigated.
104. The Chairperson of the Employers' group thanked the participants for their interesting statements and the many examples provided. The voluntary, not mandatory, nature of CSR initiatives should be kept in mind when discussing this particular issue.
105. An Employer member from Mexico agreed that there was a shortfall in social dialogue in the oil and gas industry in Mexico. Although a full structure was in place to allow social dialogue, that structure was not being used in the industry owing to the large number of activities run by the private sector. The request for international support to improve the situation and to enable the Government to take action as an intermediary met with his support.
106. In closing the discussion, the Chairperson thanked the participants for providing many illustrative examples of good practices. Although governments had often exclusively referred to tripartite social dialogue it was important to note the equal importance of bipartite dialogue.

Future ILO activities: Promoting social dialogue and good industrial relations

107. The Chairperson of the Employers' group acknowledged the good work the Office was already doing in the oil and gas sector. The report for discussion did not provide suggestions or guidance on further work by the Office, but the convening of this Meeting was a positive step towards increasing awareness among constituents on improving CSR and social dialogue in the sector. Moreover, sharing experiences between the social partners enabled the Office to take on board their concerns. The Office should continue its efforts to strengthen social dialogue and consultation, for instance by disseminating best practices on social dialogue and industrial relations in the sector, since poor social dialogue and industrial relations practices had a negative impact on efficiency and worker satisfaction.
108. An Employer member from Mexico suggested that the Office draft a code of recommended practices on social dialogue. The tripartite social partners of the ILO could

then work on the same bases and a common set of principles, norms and practices. The member mentioned that for this, it would be necessary to begin by defining what really is a “good practice” for marine work in the matter of exploration, operation and transport of petroleum and gas and to divulge them widely among the member States of the ILO. That way, the companies that subcontract PEMEX work (who are generally transnational corporations) would have the obligation to fulfil the rules laid out in Mexican labour law, and also to adopt the best practices, as they will have to do in their home countries.

- 109.** The Chairperson of the Workers’ group noted that the time devoted to sectoral meetings was much less than in the past without necessarily better results. The question as to whether the Office should hold Regional Meetings instead of continuing to host global meetings needed some reflection, as did a combination of the two approaches. Focusing on specific regional challenges was a worthwhile approach, although the benefit gained from exchanging views between social partners from different regions could not be overlooked. The Workers’ group was not committed to a single approach. There were five areas where the Office might help constituents in the oil and gas sector. First, the next meeting should address the sustainability of the oil and gas industry, which was a question facing many countries today. Second, the terms and conditions of work for subcontractors should be studied further. Third, the Office might assist in gathering and disseminating statistics on injuries and fatalities in the sector. Fourth, based on this information, efforts should be made to improve OSH where there are the greatest number of injuries and fatalities. Fifth, the Office should pay closer attention to the situation of women and young workers in the oil and gas sector. In these areas, his own national union and the ICEM were willing to assist the Office by providing data on subcontractor work, suppliers, divers as well as women and youth in the oil and gas industry. Workers’ organizations had already studied the issue of the industry’s sustainability and hoped the Office would be able to use this information to develop papers on these topics.
- 110.** The Worker member from Mexico drew attention to paragraph 124 of the report for discussion and referred to the situation of oil workers in Mexico. Although the report stressed that collective bargaining was an effective means of protecting the rights of vulnerable workers, this protection did not extend to subcontractors in the case of the national oil company PEMEX. This was particularly problematic when an increasing number of jobs were contracted out to private firms without clear rules on the terms and conditions of work. The ILO should study this situation as a step towards bringing greater transparency to a problem that risked becoming worse as oil and gas activities expanded in Mexico. It could also be an issue for discussion at a regional forum for the oil and gas sector.
- 111.** A Worker member from Singapore pointed out that there was a difference between knowing about tripartism and practising it. Singapore was practising it and its Prime Minister had publicly stated that tripartism was the secret of its success.
- 112.** The Chairperson of the Government group thanked the Office for holding this Meeting and reiterated the importance of discussing social dialogue and industrial relations in the oil and gas industry. The Office was urged to carry out follow-up technical meetings and to consider holding them at industry, national and even regional levels. Such meetings should address key issues in the sector based on practice, experience and need, particularly in the areas of OSH, productivity, training, skill shortages and staff welfare. The Office could help by developing an assessment of available skills and offering suggestions to governments on the kinds of programmes that might be introduced to overcome these shortages. The situation of women and young workers in the sector also merited closer study. The industry was characterized by complex supply chains and there were concerns that employment protection and benefits were not always adequate for workers along this chain. The ILO should examine such situations more closely in collaboration with the social partners. The Governments present in the Meeting also agreed that developing a

better framework for social dialogue at industry and national levels might be necessary to achieve greater coherence and economic sustainability in the industry, and that the ILO's technical assistance and capacity building for all stakeholders was important in this regard. Best practices should be documented and disseminated to constituents. The Governments encouraged the Office to continue its dialogue with the sectoral social partners, whose participation was influential in developing and implementing government initiatives. Reporting and monitoring mechanisms of industry disputes, especially in the oil industry, should also be strengthened, including national labour inspectorates and other monitoring bodies.

- 113.** The Secretary-General of the Meeting remarked that the financial crisis was a priority area for the ILO and that there would be a special committee on this theme at the International Labour Conference in June 2009. The ILO's Sectoral Activities Programme was in the process of developing short, rapid assessments on the impact of the crisis in different sectors, such as the automotive, tourism and textile sectors. Such an assessment could also cover the oil and gas industry, which had not yet been directly hit by the crisis, but which had experienced job losses. The Meeting's conclusions could include reference to a rapid assessment of the impact of the crisis on employment trends in the oil and gas sector. There could also be better knowledge of the future skills required by the industry. The more general discussion at this Meeting should now progress to more focused areas that could influence regional or national policies.

Consideration and adoption of the draft conclusions by the Meeting

- 114.** The Working Party on Conclusions submitted its draft conclusions to the Meeting at the latter's fifth sitting.
- 115.** The Meeting unanimously adopted the draft conclusions, after having agreed to a number of drafting changes.
- 116.** An observer from UNCTAD informed the meeting of the organization's programme of work in relation to the oil and gas sector and expressed her hope that future cooperation between the ILO and the organizations represented in the meeting would take place.
- 117.** The Meeting adopted the conclusions.

Geneva, 14 May 2009.

(Signed) Mr Göran Trogen
Chairperson

Conclusions on promoting social dialogue and good industrial relations from oil and gas exploration and production to oil and gas distribution

The Tripartite Meeting on Promoting Social Dialogue and Good Industrial Relations from Oil and Gas Exploration and Production to Oil and Gas Distribution,

Having met in Geneva from 11 to 14 May 2009,

Adopts this fourteenth day of May 2009 the following conclusions:

General considerations

1. Social dialogue is of paramount importance for addressing a wide range of workplace issues particularly at a time of global economic and financial crisis. Social dialogue can increase transparency throughout the process of global economic and financial recovery. Social dialogue can also assist in developing consensus among governments, employers and workers' organizations,¹ on key issues such as rights at work for all employees including regular and contract workers including working conditions, productivity and demographic challenges.
2. The oil and gas industry contributes to the promotion of national economic growth and improved living conditions. In the context of the current crisis, the oil and gas industry has an important role to play in contributing to economic growth in other economic sectors and enhancing social cohesion through social dialogue.
3. Wages, working conditions and social benefits in the oil and gas industry are generally better than those in other industries. However, there are some areas for improvement in relation to occupational safety and health.

Decent employment

4. The ILO concept of "decent work" involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all. This also applies to the oil and gas industry.
5. The oil and gas industry has created millions of jobs across its supply chain. It has the potential to create more decent jobs that could increase productivity, efficiency and employment security for the long-term benefit of all the parties concerned.

¹ When the term "workers' organizations" is used, it refers primarily to trade unions.

Good industrial relations

6. A collaborative approach between employers and workers' organizations ² is central to good industrial relations. By creating mutual trust, sustainable solutions to challenges in the oil and gas industry can be found.
7. The precondition for good industrial relations is full respect for freedom of association and the right to bargain collectively. The principles and rights enshrined in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998 lay the foundation for decent work around the world and are an important element in improving industrial relations.
8. Another key element of good industrial relations is the full and effective implementation of national regulations and ratified or adopted international labour standards, particularly in relation to occupational safety and health. An effective implementation requires that employers and workers' organizations ³ are involved in this process; in addition, governments need to provide adequate means to the labour inspectorate or other competent authority to enable it to monitor compliance with regulations throughout the oil and gas industry.

Contracting and subcontracting

9. Contractors and subcontractors are an integral part of the oil and gas industry, providing services to the operators that are required to enable the operators to function rationally and effectively. Specialization of contractors provides additional employment opportunities.
10. Operators should have the overall responsibility for the occupational safety and health in their operations including contractors and subcontractors. Contractors and subcontractors should comply with the overall safety management systems of the operators.
11. Harsh working conditions are part of the working environment, however high risk work should be minimized as far as possible. Best practices should be identified, and put into effect.

Skills and training

12. Technological advances in the sector are demanding a wider range of qualifications in the oil and gas industry exacerbating skilled workforce shortages. There is a need to make the oil and gas industry more attractive to young workers, and in particular to women. Therefore special efforts should be made to promote career development programmes and apprenticeship, including through industry–educational and training systems partnerships.
13. Collaboration in training and retraining should be fostered between the emerging oil and gas producing countries and countries and companies with longer experience in this field. The ILO and the social partners may collaborate actively in these programmes.
14. Education and training should be viewed as a long-term contribution to sustainability of the oil and gas industry, and as an investment in human capital. It should involve

² See footnote 1.

³ See footnote 1.

governments and social partners and make the best use of internal and external training facilities, institutions and programmes.

15. Governments have the responsibility of ensuring that labour inspectorates and the competent authorities receive adequate training to deal with the specificities of working conditions and occupational safety and health in the oil and gas industry.

Good governance, social dialogue and corporate social responsibility (CSR)

16. Although the term “social dialogue” has different definitions, in the ILO context it includes all types of negotiations, consultations or simply exchange of information between, or among, representatives of governments, employers and workers’ organizations⁴ on issues of common interest. In the oil and gas industry, mechanisms of social dialogue take place at all levels: enterprise, national, regional and international levels.
17. Social dialogue is paramount to good governance in the oil and gas industry. Good governance also relies on transparency in decision-making and reporting processes. Governments play an important role in promoting social dialogue by creating an enabling environment.
18. Bipartite and tripartite social dialogue contributes to efficiency and competitiveness in the oil and gas industry, for the benefit of all the parties concerned. It is a precondition for mature industrial relations systems. The wide dissemination of best practices with a view to their wider implementation contributes to fruitful results in the process of social dialogue and should be encouraged.
19. Governments have a responsibility of facilitating social dialogue through the establishment and enactment of appropriate legislation and institutions. They can participate, where appropriate, and follow up, through continuous consultation with the social partners in the oil and gas industry.
20. As recognized by the ILO, corporate social responsibility (CSR) is a voluntary initiative and refers to activities that are considered to exceed mere compliance with the law and fundamental principles and rights at work. The social responsibility of a company can be enhanced by involvement in and commitment to a number of other voluntary initiatives. It is noted that other so-called “voluntary” initiatives can also be necessary and desirable in relevant circumstances. In this context, CSR, as well as other voluntary initiatives, such as international framework agreements (IFAs) or global framework agreements (GFAs) and codes of practice are important to promote the welfare of workers and communities. Therefore, they play an important role in local economic and social development while fostering greater observance of international labour standards.

ILO activities

21. The current global economic crisis is of unprecedented scale. Both national and international oil companies are not immune to the effects of the crisis. As part of the ILO’s immediate response to the global economic crisis and consistent with the ILO Declaration on Social Justice for a Fair Globalization, 2008, the Office may, among others:

⁴ See footnote 1.

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- provide support to constituents on developing activities aimed at safeguarding employment to the extent possible through support of training and skills development programmes;
 - promote access to best practices and share knowledge by facilitating global and/or regional networks and mobilizing experts;
 - monitor the evolution of the crisis and employment through rapid impact assessments; and
 - strengthen the social dialogue and the existing collaboration with international organizations.

22. In its future programme, the ILO should consider including, in order of priority:

- analysing the situation of women and youth in the oil and gas industry and studying and recommending specific measures promoting the employment of young and women workers in the sector;
- collecting and disseminating examples of best practices – namely: social dialogue, transparency, industrial relations, occupational health, safety, security and environment, and social responsibility, among others – undertaken through voluntary initiatives in oil and gas companies in cooperation with social partners and governments concerned;
- collecting data on the occupational safety and health of divers in the oil and gas industry;
- assessing the current skills and workforce structure and future needs of skills in the light of technological development;
- undertaking research on working conditions of contractors and subcontractors in the oil and gas industry;
- developing a statistical and informational database of accidents and fatalities within the entire oil and gas chain, with the support of social partners and governments concerned, and undertake research into compliance with safety regulations;
- in collaboration with specialized universities and social partners and governments concerned, the ILO could develop a global networking system to exchange information on the skills training programmes and vocational training courses in the oil and gas industry with the support of governments and social partners concerned;
- upon request, and in consultation where appropriate with the Bureau of Employers’ Activities and the Bureau of Workers’ Activities, providing technical assistance to improve the capacity of social partners and governments to deal with social issues in the oil and gas industry;
- organizing follow-up tripartite national and/or regional meetings to assist the ILO to identify what measures the ILO should take in promoting social dialogue and good industrial relations in the oil and gas industry; and
- where appropriate, supporting the development of labour inspection programmes, including in the improvement of the performance, operation and impact of the monitoring bodies in member States.

23. In pursuing these projects the ILO is urged to allocate the appropriate resources and consider possible partnerships with international bodies and other entities as may be deemed appropriate.

Part 2

Other proceedings

Information session on green jobs initiatives

Moderator: Mr Göran Trogen, Chairperson of the Meeting; Adviser, International Affairs, Confederation of Swedish Enterprises

Panellists: Dr Peter Poschen, Senior Adviser on Sustainable Development and Climate Change, ILO

Mr Sheng Fulai, Economics and Trade Branch, United Nations Environment Programme (UNEP)

Dr Richard Bradley, Head of Division, Energy Efficiency and Environment Division, Directorate of Sustainable Energy Policy and Technology, International Energy Agency (IEA)

The moderator, Mr Trogen, opened the session.

Dr Poschen introduced a report: “Green Jobs: Towards decent work in a sustainable, low-carbon world”. The report was a joint initiative involving the ILO, UNEP, the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). Green jobs meant jobs that contributed to reducing environmental impacts to levels that would ultimately be sustainable by reducing energy consumption, avoiding greenhouse gasses, minimizing waste and pollution, and protecting and restoring ecosystems and strengthening environmental services. Energy efficiency had the greatest job potential, particularly with regard to buildings. Renewable energy was also an area with high employment potential.

There was a need to green all enterprises and sectors, requiring a general transformation to cleaner production and consumption and job descriptions that reflected this change. Although on the whole renewable energy was a small sector for employment, there had been considerable job increases in that sector in some countries, such as Germany. While there was potential to create a large number of green jobs, especially in developing countries, job quality was a challenge, as well as ensuring that jobs were generated for those who needed them. There would also be substitution and losses, which would cause employment to shrink in some sectors. These cases raised the issue of ensuring a just transition; assistance should be provided to poor countries to help them adapt to climate change. There was also considerable job potential related to decreasing the impact of heavy industries, which were often the “3D” jobs (dirty, difficult, dangerous). Owing to a lack of skilled people, technologies often could not be used effectively.

Active policies could be an effective economic stimulus, but should be coherent and consistent, as well as politically and socially sustainable. The financial crisis had been preceded by a legacy of social inequality, and the poorest were those most affected by energy prices. If stimulus packages were used to simply re-boot the economy, as had been the case, countries would run on shrinking natural resources and leave substantial debt for future generations. Green stimulus packages had good job production compared to other packages. The economic crisis could be used to shift towards a green economy.

Mr Fulai said that the idea of the Green Jobs Initiative was to increase investment in green sectors, as some areas had major potential for economic growth. Following the financial crisis, the initiative’s focus had shifted to policy analysis and recommendations to government leaders for policy responses to the financial crisis. Stimulus packages were a particular policy focus, and were identified in the Global Green New Deal, which called on governments to establish targeted programmes to fund green sectors as a means of

economic recovery. That approach had been adopted by a number of governments, who were using green investment to get out of the financial crisis.

The UNEP, along with the ILO, was developing a comprehensive report using economic analysis to show the real potential of investing in the green economy. The report would cover a number of sectors and would show that green sectors were a major engine for economic growth. Several issues illustrated the need to move towards a greener economy: firstly, there was a large rural population that represented a large potential market, since it had energy needs that could be tackled by the deployment of clean energy; secondly, there were many small, rural-based enterprises in the energy sector, which could have a role in developing rural energy technology and could be supported to create more jobs; thirdly, costs of expanding oil production and facilities were increasing, affecting energy security and causing governments to look to other energy sources; and fourthly, consumer awareness and demand for low-carbon products were increasing.

The report would focus on energy efficiency, since it was an important area with the potential to create many jobs. Analyses would also focus on rural areas, since stimulus packages currently focused on large economies. There were a number of United Nations initiatives to help large economies assist smaller ones to shift to a green economy. Funding should be allocated to enable the launch of large-scale green investment programmes.

Dr Bradley made a presentation on green jobs, energy efficiency and job creation. He said that the IEA published an annual forecast of potential energy evolution by simulating policies in place and forecasting the implications thereof. The World Energy Outlook 2008 had taken account of policies adopted up to mid-2008, when there had been a rapid rise in the price of energy, owing to underinvestment in oil and gas in previous years. Over the coming 20 years, oil would remain the single largest fuel in the global primary energy mix, and coal would witness the fastest growth among fossil fuels. By 2000, most governments had concluded that action was needed for climate change and energy security reasons, but the policies they had established had not been effective, since they had not been sufficient to address the growth in energy demand.

The share of renewables in total electricity generation would increase considerably by 2030, and would overtake gas to become the second largest source of power generation. Although that increase would occur mostly in OECD member countries, evidence suggested that renewables would also become cost effective in non-OECD countries. Development required electricity, and all economic models for responses to climate change showed that the least costly way to proceed was to electrify, and later to drive the carbon out of electricity. Coal would remain the highest contributor to global carbon emissions. Emissions were projected to increase considerably by 2030, with profound environmental consequences. Policy goals for the reduction of emissions could be achieved by increasing energy efficiency and use of renewables. Affirmative action in that regard would result in job creation. Transforming the energy sector would depend on the purchasing decisions of hundreds of millions of consumers worldwide.

The majority of energy consumption occurred through use of electronics and lighting in OECD countries. Every household in OECD countries had an average of 25 to 30 electrical appliances, which had almost the same consumption rates in standby mode as when switched on. While long-term plans for reducing emissions included changing transport infrastructures, adapting power plants, increasing production of renewables and retrofitting, policies for increasing energy efficiency could be implemented more swiftly.

On the energy supply side, the global financial crisis had led to difficulties in obtaining credit, owing to an increased aversion to risk, paralysed credit markets and plunging share values. Lower prices and cash flows had made new investments less attractive, and the falling demand caused by the recession had reduced the urgency and

appetite for suppliers to invest. On the demand side, financing problems and lower energy prices were discouraging investment, and would delay the development and commercialization of more energy-efficient technologies. Stronger government policies to support energy efficiency could redress that balance. Investment in renewables had dropped at the end of 2008 as a result of the financial crisis.

Discussion

Asked whether green jobs always resulted in green products, Dr Poschen replied that greening sectors was a gradual process, and perceptions of what constituted a green job and a green product would change over time.

An observer from the United Nations Conference on Trade and Development (UNCTAD) asked how the move from a centralized energy production system to a decentralized one could be reconciled with the need to respond quickly to climate change challenges and the need to be progressive, particularly in developing countries that lacked infrastructure. Dr Poschen replied that starting points for strategizing varied from country to country, owing to different country situations. While some countries, such as China, had carbon-dominated centralized supply systems in place, others, such as India, had yet to develop their energy supply systems, and could therefore leapfrog to decentralized generation. South Africa was currently suffering from a serious power crisis and questions were arising as to how the additional power capacity could be built and whether these shortcomings did not present an opportunity for a shift.

A participant raised the question of whether the IEA had at its disposal similar statistical projections disaggregated by country, since solutions were largely dependent on country-specific conditions. Dr Bradley replied that steps were being taken to gather data on a country-by-country basis. Regarding energy efficiency, considerable efforts were being made in that regard in Mexico, since increasing energy efficiency was a cheap and swift approach to reducing emissions. Energy efficiency was very important, particularly in the short term. Analyses of national situations had been conducted for some countries, such as India, China and Brazil, but it would not be possible to study the situation in every country. The ILO organized training on the Green Jobs Initiative at its training centre in Turin. Mr Fulai replied that governments should be encouraged to retrofit public buildings, and to use energy efficient materials and renewables in procurement.

In reply to a question by a representative of UNCTAD whether the Clean Development Mechanism could provide a solution, Dr Bradley replied that in many ways the Clean Development Mechanism had not lived up to general expectations with regard to energy efficiency. Negative costs of energy efficiency meant that it was difficult to conclude the overall costs had been met. Despite its potential, energy efficiency was not increasing at the expected rate, owing to barriers and market failures, and was therefore costly to governments. It was unlikely that the Clean Development Mechanism would be a tool for green technology or would feature in emerging economies after 2020.

Closing speeches

The Chairperson of the Workers' group thanked all those involved in the organization and running of the Meeting. The discussions had represented true social dialogue. Four days had not been sufficient, and he hoped more resources would be allocated to enable longer meetings to be held in the future. He welcomed the adoption of the conclusions.

The Chairperson of the Employers' group said that tripartite meetings could only be successful when all three parties worked in a spirit of cooperation. The successful adoption of the conclusions was testament to that spirit.

The Chairperson of the Government group thanked the secretariat, the officers of the meeting and the social partners for their work in this Meeting.

The Secretary-General thanked the participants for their active engagement. The ILO was pleased that the conclusions just adopted recognized the crucial role of social dialogue, particularly at a time of global economic crisis. The voices of employers, workers and governments must be the building blocks of consensus, and the ILO had a unique comparative advantage in providing this platform for global tripartite dialogue. Hopefully this type of dialogue could be further developed at country level in order to make the most of these conclusions, learn from each other and jointly foster decent work. She thanked especially the Meeting's Chairperson for his excellent work, a reflection of his commitment to the sectoral activities programme, as well as expressed thanks to the Vice-Chairpersons and Chairpersons of the three groups and the members of the Working Party on Conclusions for their invaluable contributions to the Meeting's success. A final word of thanks was given to all members of the secretariat for their hard work, dedication and efficiency.

In closing, the Chairperson thanked the participants for an exciting Meeting. There had been a good discussion and Governments had been particularly active. The Meeting had covered the financial crisis, good initiatives and good practices, all of which were reflected in the conclusions. Participants were encouraged to also use bilateral processes and to "bring home" the conclusions to their respective countries, in the process explaining and promoting the work done at the ILO, which was essentially about keeping peace in the workplace. He thanked the Secretary-General and all others who had been part of the SECTOR team for their work on this Meeting.

Evaluation questionnaire

A questionnaire seeking participants' opinions on various aspects of the Meeting was distributed before the end of the Meeting.

1. How do you rate the Meeting as regards the following?

	Excellent	Good	Satisfactory	Poor	Unsatisfactory
The choice of the agenda item (subject of the Meeting)	11	13	0	0	1
The points for discussion	4	16	3	0	1
The quality of the discussion	9	10	3	0	1
The Meeting's benefits to the sector	8	11	1	0	1
The conclusions	4	10	7	0	1
Opportunity for networking	5	11	7	1	0

2. How do you rate the quality of the report in terms of the following?

	Excellent	Good	Satisfactory	Poor	Unsatisfactory
Quality of analysis	9	12	3	1	0
Objectivity	6	12	4	0	1
Comprehensiveness of coverage	7	11	2	1	0
Presentation and readability	13	8	2	0	0
Amount and relevance of information	8	9	5	0	1

3. How do you consider the time allotted for discussion?

	Too much	Enough	Too little
Discussion of the report	0	21	4
Group meetings	1	20	3
Working Party on Conclusions	1	19	4

4. How do you rate the practical and administrative arrangements (secretariat, document services, translation, interpretation)?

	Excellent	Good	Satisfactory	Poor	Unsatisfactory
	16	7	1	0	0

5. Participants at the Meeting

	Governments	Employers	Workers	Observers	Total
Delegates	14	17	9	0	40
Technical advisers	10	1	3	7	21

6. Female participation

	Governments	Employers	Workers	Total
Delegates	3	0	1	4
Technical advisers	1	0	2	3

Web site of the Sectoral Activities Department (www.ilo.org/sector)

7. Are you aware that the Sectoral Activities Department has a web site that provides information on its meetings and activities?

Yes	No
11	11

8. If yes, please indicate how you would rate the design and content of the web site?

Excellent	Very good	Good	Needs improvement	Unsatisfactory
2	6	1	1	0

9. If you consulted the web site, did you download any of the documents available from it?

Yes	No
6	7

10. Would you choose to register and obtain information about a meeting via an electric registration form on the web site?

Yes	No
19	0

List of participants
Liste des participants
Lista de participantes

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Représentant du Conseil d'administration
du Bureau international du Travail

Representante del Consejo de Administración
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Information session on green jobs initiatives
Session d'information sur l'initiative en faveur des emplois verts
Reunión de información sobre las iniciativas de empleos verdes

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