



Governing Body

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GB.328/INS/3

Institutional Section

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THIRD ITEM ON THE AGENDA

Agenda of the International Labour Conference

Purpose of the document

In light of the decision taken at the 326th Session (March 2016), to continue the implementation of the strategic and coherent approach to the setting of the agenda of the 107th (2018) and 108th (2019) Sessions of the Conference, including by continuing the selection of items on the agenda of the 2018 session and retaining flexibility in the perspective of the 2019 centenary session, the Governing Body is invited to initiate its consideration of the setting of the agenda beyond 2019 (see the draft decision in paragraph 41).

Relevant strategic objective: All four strategic objectives.

Policy implications: Implications for the Conference agenda for 2018 and beyond.

Legal implications: Those arising from the application of the Standing Orders of the Conference and the Standing Orders of the Governing Body.

Financial implications: Those arising from the placing of items on the Conference agenda.

Follow-up action required: Any implications relating to follow-up will be submitted to the Governing Body for consideration at its 329th Session (March 2017).

Author unit: Departments in the Policy Portfolio and in the Field Operations and Partnerships Portfolio.

Related documents: GB.328/INS/5/2; GB.328/INS/7; GB.328/INS/17/2; GB.328/LILS/3/1; GB.326/PV (paras 6–20); GB.326/INS/2; GB.325/PV (paras 6–35, 288–302); GB.325/INS/2; GB.325/INS/5/1; GB.325/INS/5/2; GB.325/INS/6; GB.325/INS/15/2; GB.323/PV (paras 4–18, 19–33, 346–360); GB.323/INS/2; GB.322/PV (paras 8–17, 18–27, 309–330); GB.322/INS/2; GB.322/INS/3; GB.322/INS/4/1; and GB.322/WP/GBC/1.

A. Overview of the Conference agenda-setting process

1. The applicable rules concerning the agenda of the International Labour Conference are set out in the Constitution of the International Labour Organisation,¹ the Standing Orders of the International Labour Conference² and the Standing Orders of the Governing Body.³ The agenda of the Conference consists of standing and technical items.
2. The following standing items are required to be included by the Governing Body in the Conference agenda each year:
 - reports of the Chairperson of the Governing Body and of the Director-General;
 - financial and budgetary questions; and
 - information and reports on the application of Conventions and Recommendations.
3. It has become the practice to include in the Conference agenda three technical items (each requiring a full technical committee at the Conference) with a view to standard setting, a general discussion or a recurrent discussion. Other items which may be included by the Governing Body are items which can generally be dealt with in a plenary sitting, by the Selection Committee or by a technical committee holding a very limited number of meetings.⁴ For standard-setting items, while a double discussion remains the norm, the Governing Body may decide to hold a single discussion. Proposals to place an item on the Conference agenda are considered at two successive sessions of the Governing Body unless there is unanimous consent to place a proposal on the agenda discussed for the first time by the Governing Body.⁵
4. The ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008 (the Social Justice Declaration), introduced a scheme of recurrent discussions by the Conference designed to improve understanding of the diverse realities and needs of Members with respect to each of the ILO's strategic objectives, respond more effectively to them by using all the means of action at its disposal, and adjust its priorities and programmes of action accordingly.⁶ Recurrent discussions are intended to play a key role in the setting of the overall Conference agenda and have constituted one of the three aforementioned technical items at every Conference since 2010.

¹ Articles 14(1) and 16(3).

² In particular articles 7, 7bis, 8 and 12.

³ Section 5 and article 6.2.

⁴ See Appendix II below for an overview of the selection of technical items for the Conference agenda (2010–19).

⁵ See paragraph 5.1.1 of the Standing Orders of the Governing Body.

⁶ Social Justice Declaration, Part II(A)(i) and Annex, Part II(B)(i).

5. The Governing Body decided at its 304th Session (March 2009) that these recurrent discussions would follow a seven-year cycle,⁷ with employment, fundamental principles and rights at work, and social protection being discussed twice, and social dialogue being discussed once.⁸ This cycle will be completed with the second recurrent discussion on fundamental principles and rights at work at the 106th Session (2017) of the Conference.
6. In November 2016, the Governing Body will examine proposals relating to the modalities of recurrent discussions under a new cycle, outlined in the resolution on Advancing Social Justice through Decent Work adopted by the Conference at its 105th Session (2016) on the basis of its evaluation of the impact of the Social Justice Declaration.⁹ Under the resolution, the Conference calls for the examination of the possibility of a shorter cycle of recurrent discussions of each of the four strategic objectives, taking into account in particular the contribution of recurrent discussions to the streamlining of the process of setting the Conference agenda.

B. Context of the current consideration

The strategic and coherent approach

7. At its 322nd Session (November 2014), the Governing Body approved the concept of a strategic and coherent approach to the setting of the Conference agenda for the 106th (2017), 107th (2018) and 108th (2019) Sessions of the Conference. The intention was to respond to constituents' comments on the setting of the Conference agenda and the role of the Conference as the ILO supreme policy organ. The approach is based on two main elements: (i) a strategic focus in the setting of the Conference agenda, using the momentum created by the commemoration of the ILO centenary to place emphasis on institutional coherence and flexibility; and (ii) full tripartite engagement in the agenda-setting process.¹⁰
8. In November 2015, two related institutional developments took place. They both tie in with the setting of the Conference agenda, as they reinforce the ILO's efforts to ensure that it has a robust and up-to-date body of labour standards serving as a global reference.¹¹

⁷ Under Part II(B) of the Annex to the Social Justice Declaration, the modalities of recurrent discussions are agreed by the Governing Body.

⁸ GB.304/PV, para. 183(b). The seven-year cycle has been implemented according to the following sequence: employment (first recurrent discussion, 2010); social protection (social security) (first recurrent discussion, 2011); fundamental principles and rights at work (first recurrent discussion, 2012); social dialogue (first recurrent discussion, 2013); employment (second recurrent discussion, 2014); social protection (labour protection) (second recurrent discussion, 2015); and fundamental principles and rights at work (second recurrent discussion, 2016). This sequence was subsequently adjusted following the Governing Body's decision in March 2014 to place the evaluation of the impact of the Social Justice Declaration on the agenda of the 105th Session (2016) of the Conference, and consequently to defer the second recurrent discussion on fundamental principles and rights at work from the 105th Session (2016) to the 106th Session (2017).

⁹ GB.328/INS/5/2.

¹⁰ GB.322/PV, para. 17, and GB.322/INS/2, paras 11–19. The strategic and coherent approach was acknowledged in the context of the work of the Working Party on the Functioning of the Governing Body and the Conference; see GB.322/INS/12/(Rev.), para. 4.1.

¹¹ ILO: Report VII(1), International Labour Conference, 106th Session, 2017, p. 1.

9. First, the Standards Review Mechanism (SRM) began to operate through the establishment of its Tripartite Working Group (SRM TWG) mandated to review the ILO body of standards and make recommendations to the Governing Body in this respect.¹² These recommendations may address the status of ILO standards and the identification of needs for revision or gaps in coverage, which may lead to the Governing Body including a corresponding standards-related item on the agenda of the Conference.
10. Second, the 1997 Instrument for the Amendment of the Constitution entered into force on 8 October 2015. Under the new paragraph 9 of article 19 of the Constitution, the Conference is empowered to abrogate a Convention in force if it appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization. An item concerning the abrogation of a Convention in force can be placed on the agenda of the Conference by the Governing Body under the procedural conditions set out in article 5.4 of its Standing Orders. This provision also governs the placing on the agenda of the Conference of the withdrawal of Conventions which are not in force and of Recommendations. The Governing Body has already selected an item concerning the abrogation of Conventions Nos 4, 15, 28, 41, 60 and 67¹³ on the agenda of the 2017 Conference.

Implementation of the strategic and coherent approach by the Governing Body

11. The Governing Body has provided regular guidance on the implementation of the strategic and coherent approach. It has kept under review the coordination between the outcomes of previous discussions at the Conference and the consideration of proposals for future sessions, as well as the linkages between the setting of the Conference agenda and other strategic processes, with particular reference to the follow-up to the seven centenary initiatives.¹⁴
12. In the run up to the 2019 centenary session, the Governing Body has so far placed two items on the agenda of the Conference which are relevant to the centenary initiatives: (i) the evaluation of the impact of the Social Justice Declaration undertaken in 2016, within the governance initiative; (ii) an item on violence against women and men in the world of work with a view to standard setting in 2018, within the women at work initiative. The future of work and the end to poverty initiatives have also been addressed in the framework of items on the agenda of the Conference. The Report of the Director-General to the 104th Session of the Conference (2015) and the Report of the Director-General to the 105th Session of the Conference (2016) have examined, respectively, the implementation of the future of work initiative, and the responsibilities and opportunities of the ILO and its constituents in the implementation of the United Nations 2030 Agenda for Sustainable Development.

¹² Paragraph 10 of the terms of reference of the SRM TWG provides that its recommendations regarding topics requiring new standards “shall be without prejudice to the continuing role in this regard of other existing means, such as the International Labour Conference, General Surveys or meetings of experts”.

¹³ These instruments had been identified earlier on by the Governing Body as candidates for abrogation based on the recommendations of the Working Party on Policy regarding the Revision of Standards (the Cartier Working Party); see GB.283/LILS/WP/PRS/1/2, paras 37 and 38. Two of those Conventions, Nos 28 and 60, will be proposed for withdrawal and not abrogation, as they are no longer in force (see ILO: Report VII(1) International Labour Conference, 106th Session, 2017).

¹⁴ See Appendix III – timeline concerning the agenda of the ILO (2015–19).

- 13.** In completing the agenda for 2017 and beginning to set the agenda for 2018, the Governing Body has kept a balance between the need to select standards-related items in 2017 and 2018 in due time to ensure adequate preparation, and the need to retain flexibility to allow the selection of topical issues or to ensure institutional coherence. Since 2014, particular flexibility has been retained in the selection of Conference agenda items in the lead-up to the 2019 session so that the Governing Body can keep under review the implications of the future of work initiative for the setting of the Conference agenda, not only for the 2019 centenary session but also for earlier sessions. In addition, at its March 2015 and 2016 sessions, the Governing Body postponed, until its November sessions, the selection of specific items to take into account the outcome of the discussions at the 2015 and 2016 sessions of the Conference.
- 14.** Tripartite consultations were held in February and September 2015. A procedural roadmap for the implementation of the strategic approach up to 2019, regularly updated by the Office, is provided to the Governing Body at each of its sessions to improve the transparency and inclusiveness of the process. In November 2015, the Governing Body reached a decision on the selection of items for the 2017 and 2018 sessions of the Conference which was generally acknowledged by its members as representing a good compromise.¹⁵
- 15.** At its 326th Session (March 2016), the Governing Body:
- (a) requested the Director-General to report to its 328th Session (November 2016) on the nine subjects¹⁶ that were under consideration for inclusion in future sessions of the Conference, and on any other new proposals;
 - (b) provided guidance on the implementation of the strategic and coherent approach to the setting of the Conference agenda for the 107th (2018) and 108th (2019) Sessions of the Conference.¹⁷
- 16.** In light of this decision, and of the elements presented in the procedural roadmap¹⁸ for the implementation of the strategic and coherent approach, the purpose of the discussion in November 2016 is to continue to examine the setting of the agenda for the 2018 and 2019 sessions of the Conference. This examination would include an assessment of the implications of: (i) the outcomes of the 2016 Conference session; and (ii) the progress in the implementation of the seven centenary initiatives. Due coordination is to be ensured with the Strategic Plan 2018–21. The nine subjects and any other new proposals should be considered in this context having regard to the possibility of inclusion in future sessions beyond the centenary session. This raises the question of the continuation of the strategic and coherent approach beyond the centenary.¹⁹
- 17.** In the first instance, the Governing Body is invited to consider the agenda of the 2018 session.²⁰ It has already placed a standard-setting item concerning violence against women and men in the world of work on this agenda. In accordance with its usual practice, it could

¹⁵ GB.325/PV, paras 25–31.

¹⁶ See paras 31–36 below.

¹⁷ GB.326/PV, para. 20.

¹⁸ GB.326/INS/2, para. 12.

¹⁹ See section D below. See also GB.326/PV, para. 9 (IMEC).

²⁰ GB.326/PV, para. 15 (representative of the Director-General).

select two further technical items; and, of course, other items might be included.²¹ One such other item could be an item placed in light of decisions taken by the Governing Body in November 2016 concerning abrogation or withdrawal of an instrument on the basis of the recommendations of the SRM TWG at its second meeting, as this would not involve the establishment of a technical committee.²²

- 18.** Section C of this document details the proposals for further technical items that are submitted for the consideration of the Governing Body. At the outset, the attention of the Governing Body is drawn to three preliminary considerations. First, some proposals to place an item on the Conference agenda will be discussed by the Governing Body for the first time.²³ Second, in November 2016, the Governing Body will examine the next cycle of recurrent discussions which may lead to the selection of a recurrent discussion for the agenda of the 2018 Conference.²⁴ The previous discussions in the Governing Body suggest general agreement for keeping a slot on the agenda of the 2018 session open for a recurrent discussion. If this agreement were to be confirmed, there would be one slot left for the placement of a technical item to be discussed by a Conference Committee. Third, in view of the timeline applicable to the preparation of the discussion of standard-setting items, a decision in November 2016 would be required for the inclusion of any standard-setting item for the 2018 session. At this stage, it would appear that the only potential such item would be that regarding a just transition of the world of work towards environmentally sustainable economies and societies for all.²⁵

C. Proposals for inclusion on the agenda of the Conference for 2018 and beyond

Outcomes of the 105th Session (June 2016) of the Conference: Implications for the agenda of the Conference

- 19.** A number of members of the Governing Body agreed that the implications of the 2016 evaluation of the impact of the Social Justice Declaration for the Conference agenda should be taken into account in the implementation of the strategic and coherent approach, including by keeping a slot open on the agenda of the 2018 session for an item concerning a recurrent discussion.²⁶ The resolution on advancing social justice through decent work resulting from the evaluation of the impact of the Social Justice Declaration addresses the implementation of the next recurrent discussion cycle. The resolution requests the Director-General to submit to the Governing Body at its November 2016 session detailed proposals

²¹ See para. 3 above.

²² See paras 23–25 below. The impact of the review undertaken by the SRM TWG and the related decisions of the Governing Body was acknowledged when the strategic and coherent approach was adopted in November 2014; see GB.322/PV, paras 11 (IMEC) and 15 (Turkey); GB.325/INS/2, para. 24.

²³ See para. 3 above.

²⁴ See para. 20 below.

²⁵ See para. 32 below.

²⁶ See GB.322/PV, paras 9 (Workers), 10 (Africa group), 11 (IMEC); GB.325/PV, para. 6 (Workers).

relating to the modalities of recurrent discussions, to ensure a prompt transition from the current cycle to the next.²⁷

20. Beyond these immediate repercussions, the follow-up to the resolution should be kept under review in the context of the setting of the Conference agenda.
21. The follow-up to the conclusions concerning decent work in global supply chains,²⁸ as well as the outcome of the discussion by the Committee on the Application of Standards of the General Survey concerning the migrant workers instruments²⁹ should also be kept under consideration in the context of the setting of the agenda of the Conference.

Implementation of the centenary initiatives: Implications for the agenda of the Conference

22. The November 2016 Governing Body discussion of the annual progress report on the implementation of the centenary initiatives³⁰ should further inform consideration of linkages between that process and the setting of the Conference agenda. In addition to the governance initiative mentioned above, the following elements can be highlighted at this stage.
23. With respect to the standards initiative, in November 2016, the Governing Body will address the recommendations of the second meeting of the SRM TWG (October 2016). In that regard, as the SRM TWG's terms of reference refer to recommendations "on practical and time-bound follow-up as appropriate", an impact on the agenda of the Conference is likely. The SRM TWG will, at its second meeting, consider the follow-up required to the 63 instruments identified as outdated by the Cartier Working Party, potentially leading to recommendations concerning the abrogation of Conventions in force and the withdrawal of Conventions that are not in force and of Recommendations. The Governing Body's approval of any such recommendations from the SRM TWG identifying instruments as candidates for abrogation or withdrawal would imply a decision on the inclusion of a corresponding item on the agenda of the Conference. Pursuant to article 45bis of the Standing Orders of the Conference, this would not require the establishment of a technical Committee.
24. Three elements appear to be relevant when examining the placement of such an item on the agenda of the Conference. First, procedural conditions in article 5.4 of the Standing Orders of the Governing Body aim to ensure that the abrogation or withdrawal of instruments is placed on the agenda of the Conference with broad tripartite support. Second, pursuant to article 45bis of the Standing Orders of the Conference, when such an item is placed on the agenda of the Conference, the Office must communicate a brief report and questionnaire to all governments at least 18 months before the appropriate Conference session. Including an item concerning the abrogation and withdrawal of any instruments on the agenda of the 2018

²⁷ Resolution on advancing social justice through decent work, para. 17(c)(ii), GB.328/5/2.

²⁸ GB.328/INS/5/1.

²⁹ In this outcome, the Committee on the Application of Standards "noted the opportunity provided by tripartite discussions in various ILO forums, including the Standards Review Mechanism, to ensure the continued relevance of the instruments to the world of work. The Committee considered that the tripartite constituents may, within the general discussion on labour migration in the Conference next year, wish to clarify the possible need for a review or consolidation of Conventions Nos 97 and 143, as well as the need to complement the existing international labour standards."

³⁰ GB.328/INS/17/2.

session would, therefore, need to be decided in November 2016. Finally, the impact of the discussion on the abrogation and withdrawal of instruments on the work of the Conference should be examined in light of its Standing Orders, under which it may decide to examine the report prepared by the Office on the basis of the replies received to a questionnaire in a plenary sitting or by sending it to the Selection Committee.

25. With respect to the enterprises initiative, further elements may arise from the progress report on the implementation of this initiative, to be presented at the 329th Session (March 2017) of the Governing Body.
26. As indicated above, the end to poverty initiative has been addressed in the Director-General's Report to the 2016 session of the Conference. The initiative is intended to take forward the ILO's work in implementing the 2030 Agenda for Sustainable Development.³¹ The significance of the 2030 Agenda for the ILO programme of work has been emphasized at the last three sessions of the Governing Body and formally acknowledged by the Conference in some of the outcomes of its discussions at its 2016 session, in particular under the resolution on advancing social justice through decent work. The possible item on *Effective ILO development cooperation in support of the Sustainable Development Goals* contributes to the follow-up of the initiative which should be kept under review as it may entail further implications on the setting of the Conference agenda.
27. As regards the green initiative, Appendix I(A)(1) presents a possible standard-setting item for inclusion on the agenda of the Conference concerning a just transition of the world of work towards environmentally sustainable economies and societies for all.
28. The item concerning violence against women and men in the world of work placed on the agenda of the Conference for 2018 with a view to standard setting is relevant to the women at work initiative.
29. In relation to the future of work initiative, the first stage of the process of implementation of the initiative will be completed by the end of 2016, during which all ILO member States are invited to undertake national "future of work" dialogues structured around four "centenary conversations". In 2017 and 2018 a high-level global commission on the future of work will examine the output from the national dialogues and other input it may consider necessary, and publish a report and recommendations. It has been suggested in the Governing Body previously that the initiative might require further examination at a Conference session before 2019. Flexibility in the selection of Conference agenda items would enable the Governing Body to keep under review the consequences of the future of work initiative for the setting of the Conference agenda with a view to completing the selection of items for the 2018 session in March 2017.

Subjects under consideration for inclusion in future sessions of the Conference³²

30. At its session in March 2016, the Director-General was requested to report on nine subjects that had been previously raised as possible items for inclusion in future sessions of the Conference. Development of those subjects as possible items for inclusion on the Conference agenda has taken account of the need to ensure consistency with the strategic and coherent approach. Accordingly, as set out below, the nine subjects may be considered

³¹ A detailed discussion of the end to poverty initiative is anticipated in the context of GB.328/INS/7, "Decent work for sustainable development".

³² GB.326/INS/2, para. 8.

within three broad categories: three subjects may be considered ripe for possible inclusion on the agenda of the Conference in the shorter term; two subjects may be considered for possible inclusion on the agenda of the Conference beyond 2019; and the remaining four subjects may be considered to require further work before being considered for inclusion as items in future sessions of the Conference.

Items for possible inclusion on the Conference agenda

31. Three of the nine subjects under consideration may be considered ripe to provide the basis of items for possible inclusion on the agenda of the Conference. Appendix I(1) provides further details on the following three proposals.
32. *A just transition of the world of work towards environmentally sustainable economies and societies for all* (standard setting) – Appendix I(1)(A): The formal submission of a possible agenda item reflects the role of constituents in the setting of the Conference agenda. It originated from a suggestion made by the Workers’ group. At the time, based on the Governing Body’s discussion, it was considered that further work was required, firstly in the context of the 2013 Conference general discussion on sustainable development, decent work and green jobs and secondly, in the context of the tripartite Meeting of Experts on Sustainable Development, Decent Work and Green Jobs held in October 2015. This proposal reflects coordination with the follow-up to the green initiative, including the contribution to the implementation of the Paris Agreement on Climate Change (adopted in December 2015 and due to enter into force in 2020) and the 2030 Agenda for Sustainable Development.
33. *The changing nature of unemployment and underemployment: The role of technology and other structural drivers of change* (general discussion) – Appendix I(1)(B): The formal submission of a possible agenda item reflects the contribution of recurrent discussions, in particular the 2014 recurrent discussion on employment, to the setting of the agenda of the Conference as well as coordination with the Strategic Plan 2018–21. The findings of research carried out since then have fed into the development of proposals for this agenda.
34. *Effective ILO development cooperation in support of the Sustainable Development Goals* (general discussion) – Appendix I(1)(C): This possible item reflects the role of constituents in the setting of the Conference agenda. It originated from a suggestion made by the Employers’ group and has been updated in response to the support expressed in the Governing Body, in particular during its March 2016 session, when the group of industrialized market economy countries (IMEC) requested that it be further elaborated for inclusion on the agenda of the Conference.³³ This proposal reflects coordination with the follow-up to the end to poverty initiative, including the ILO’s role in the implementation of the 2030 Agenda for Sustainable Development as well as coordination with the Strategic Plan 2018–21.

Follow-up proposed in respect of six subjects

35. Two subjects may be considered in the context of the agenda of the Conference beyond 2019 in the following manner:
 - *Inequalities and the world of work*, which was proposed by the Office, could be the object of a possible item for general discussion to be submitted to the Governing Body for inclusion after the 2019 centenary session. It would take stock of progress (or lack

³³ GB.326/PV, paras 9, 12 and 16; see para. 14 (Employers).

thereof) in respect of those Sustainable Development Goals (SDGs) that are relevant to the ILO's mandate and would build on the work of the women at work centenary initiative, the High-Level Global Commission on the Future of Work and the outcome of the 2019 centenary session. Given the focus of the 2030 Sustainable Development Agenda on ensuring no one is left behind, the discussion on inequalities would be timely.

- *The relationship between employment and social protection* which was proposed by the Office, could, rather than giving rise to a specific item as such, be addressed in the context of recurrent discussions under the new cycle to be discussed by the Governing Body in November 2016³⁴ focusing, in separate Conference sessions, on the strategic objective of employment and the strategic objective of social protection (social security) respectively. This approach would be in line with the resolution on advancing social justice through decent work, which calls for appropriate modalities to better focus recurrent discussions and ensure that they are grounded in current realities and challenges.

36. As indicated in Appendix I(2), four subjects would require further work before resulting in specific proposals for inclusion on the agenda of the Conference:

- *Resolution of individual labour disputes*: further work is required in the context of the 2017 recurrent discussion and the SRM TWG.
- *Non-standard forms of employment*: a meeting of experts was proposed in the context of the follow-up to the 2015 recurrent discussion on social protection (labour protection).
- *Decent work in the world of sport*: should this option be pursued, it is proposed to address the topic first through a sectoral technical meeting or meeting of experts.
- *Independence and protection in public service (fight against corruption)*: should this option be pursued, it is proposed that the topic be first examined by a meeting of experts.

D. Initial elements for a broader approach to the setting of the agenda of the Conference beyond 2019

37. The setting of the Conference agenda is at a crossroads. The implementation of the strategic and coherent approach is being pursued for the 2018 and 2019 sessions, raising the question of the appropriate approach to adopt to the setting of the agenda of sessions following the 2019 centenary session. Consequently, it seems useful to sketch out elements for an initial examination by the Governing Body of the extension of the strategic and coherent approach, it being understood that the Governing Body would have further opportunities to examine the matter.

38. First, the general elements relevant to the adoption of the strategic and coherent approach in 2014 may remain valid. The strategic focus of the setting of the Conference agenda could continue to be based on the need to ensure institutional coherence, as well as the need to ensure a balance between the adequate time for preparation and adequate flexibility. Full tripartite engagement would continue to remain paramount and would be ensured through

³⁴ GB.328/INS/5/2.

transparency and inclusiveness, including prior consultations on the proposals to be submitted to the Governing Body. Constituents should continue to make suggestions for consideration by the Governing Body.

39. Second, to update the strategic and coherent approach, possible new elements may include:

- (a) consideration of ways to follow up on the decisions taken by the Governing Body on the basis of recommendations submitted by the SRM TWG, in line with the overall objective of the SRM to ensure that the ILO has a clear, robust and up-to-date body of standards;
- (b) consideration of ways in which the work of the ILO's governance structures might take up opportunities to contribute to the follow-up and review activities at the United Nations High-Level Political Forum on Sustainable Development (HLPF), in order to harness the active role of the ILO in the implementation of the 2030 Agenda for Sustainable Development.³⁵ In that regard, on 29 July 2016 the UN General Assembly decided on sets of SDGs that would be discussed under an overall theme at each HLPF session.³⁶
- (c) consideration of the period to be covered for an extension of the strategic and coherent approach taking into account both the Strategic Plan 2018–21 and the next cycle for recurrent discussions to be examined in November 2016.
- (d) consideration of the possibility that the 2019 centenary session might itself adopt conclusions that are relevant to the utilization of a strategic and coherent approach to the setting of the Conference agenda for subsequent sessions.

E. Procedural roadmap

40. The updated proposal for the procedural roadmap following the decisions to be taken at the 328th Session (November 2016) is as follows:

- **329th Session (March 2017):** The Governing Body may complete the agenda for the 2018 session of the Conference, subject to decisions taken at its November 2016

³⁵ GB.326/INS/5, para. 32. Article 14, paragraph 1 of the Constitution provides for the consideration by the Governing Body of suggestions “by any other public international organisations” in the context of the setting of the Conference agenda. The resolution on Advancing Social Justice through Decent Work calls upon the Governing Body to “consider the possibility of convening a high-level tripartite exchange on the role of decent work in the 2030 Agenda and the ILO’s leadership on decent work related goals” (para. 17(b)).

³⁶ Document A/70/L.60. The decision was as follows:

2017 – Overall theme: Eradicating poverty and promoting prosperity in a changing world. In-depth review of SDGs 1 (Poverty), 2 (Hunger), 3 (Health), 5 (Gender Equality), 9 (Industry, Innovation and Infrastructure), and 14 (Oceans);

2018 – Overall theme: Transformation towards sustainable and resilient societies. In-depth review of SDGs 6 (Water and Sanitation), 7 (Energy), 11 (Cities and Communities), 12 (Responsible Consumption), and 15 (Forests);

2019 – Overall theme: Empowering people and ensuring inclusiveness and equality. In-depth review of SDGs 4 (Education), 8 (Decent Work and Economic Growth), 10 (Inequalities), 13 (Climate Change) and 16 (Peace and Justice).

Due to its transversal nature, SDG 17 (Partnerships) will be dealt with at every HLPF session.

session. It would continue to consider the agenda of the 2019 centenary session, as well as the agenda of future sessions, including by giving further consideration to an extended strategic and coherent approach.

- **331st Session (November 2017):** The Governing Body would assess the implications for the setting of the Conference agenda of: (i) the outcome of the discussions at the 2017 session of the Conference, including the second recurrent discussion on fundamental principles and rights at work; (ii) the decisions taken on the basis of the recommendations resulting from the third meeting of the SRM TWG; and (iii) progress in the implementation of the centenary initiatives, with particular regard to the future of work initiative. The agenda of the 2019 centenary session would be the main focus of attention; consideration of the setting of the agenda of future sessions would be pursued, possibly in the context of a broader approach.
- **332nd Session (March 2018):** The Governing Body would continue to provide guidance on the agenda of the 2019 centenary session of the Conference in light, in particular, of the progress made in the work of the High-Level Global Commission on the Future of Work. Consideration of the setting of the agenda of future sessions would be pursued, possibly in the context of a broader approach.

Draft decision

41. The Governing Body may wish to:

- (a) *continue the setting of the agenda of the 107th Session (2018) of the Conference by deciding on the inclusion of one or two of the following items in addition to the standard-setting item on “Violence against men and women in the world of work”:*
 - (i) *an item concerning a recurrent discussion under the new cycle, in light of the decision taken by the Governing Body in the framework of the follow-up to the resolution on advancing social justice through decent work (proposal relating to the modalities of recurrent discussions);*
 - (ii) *one of the following three items:*
 - *a just transition of the world of work towards environmentally sustainable economies and societies for all (standard setting);*
 - *structural unemployment and underemployment (general discussion);*
 - *effective ILO development cooperation in support of the Sustainable Development Goals (general discussion);*
- (b) *to place an item based on decisions taken on the recommendations made by the Standards Review Mechanism Tripartite Working Group at its second meeting (October 2016);*
- (c) *to provide guidance on the implementation of the strategic and coherent approach to the setting of the Conference agenda for the 107th (2018) and 108th (2019) Sessions of the Conference, and its continuation beyond;*

(d) to provide guidance on future steps to take in relation to those items not chosen within paragraph 41(a).

Appendix I

1. Three possible items for the agenda of future sessions of the Conference

A. *A just transition of the world of work towards environmentally sustainable economies and societies for all* (standard setting)

Source, nature and context of the possible item ¹

1. This proposal originates from a suggestion made by the Workers' group and presented to the Governing Body at its 316th Session (November 2012), with the indication that it should be considered further in light of the outcome of the general discussion on sustainable development, decent work and green jobs at the 102nd Session of the Conference in 2013. The Conference discussion resulted in the adoption of conclusions on "Sustainable development, decent work and green jobs". With regard to international labour standards, the conclusions included a proposal to convene a Meeting of Experts to give further guidance on issues related to the greening of economies, green jobs and a just transition for all. ² At its March and June 2014 sessions, the Governing Body mandated a Meeting of Experts to adopt in particular draft guidelines. The Meeting of Experts took place in October 2015 and unanimously adopted *Guidelines for a just transition towards environmentally sustainable economies and societies for all*. At its 325th Session (November 2015), the Governing Body requested the Director-General to use the Guidelines as a basis for activities and outreach. ³
2. This proposal is made for a standard-setting discussion aimed at a new ILO Convention on the transition of the world of work towards environmentally sustainable economies and societies for all. The Workers' group has expressed support for a standard-setting process during the experts' meeting and before the Governing Body in November 2015. In particular, the Worker spokesperson stated that the Group "had been calling for the development of an instrument on a just transition with a view to sustainable development and viewed the Guidelines as a first step towards such a standard". Several groups also referred to different aspects of the just transition. ⁴
3. The 2030 Agenda recognizes the urgent need to address climate as a critical element of its success. In this context, the ILO played an active role in the process leading to the adoption by 195 countries of the Paris Agreement in December 2015.

¹ For the previous discussion in the context of the agenda of the Conference, please see: GB.316/INS/4, paras 88–90; see also GB.316/PV(Corr.), para. 12 (Employers), 18 (Workers), 23 (Africa group), 31 (United Kingdom); GB.319/INS/2, Appendix VIII, paras 6–9; GB.319/PV, paras 7 (Workers), 11 (Denmark on behalf of the Netherlands, Switzerland, and the Nordic countries, Iceland, Finland, Sweden and Denmark), 18 (China), 19 (Canada), and 29 (Brazil).

² Paras 19(d) and 24.

³ GB.325/PV, para. 494(b).

⁴ GB.326/POL/INF/1, para. 267; GB.325/POL/3; GB.325/PV, paras 472–494; see in particular para. 472 (Workers); see also para. 473 (Employers).

Constituents' needs and realities in light
of the ILO strategic objectives

4. The report prepared for the 2013 general discussion by the Conference stressed that the damage to economies and to society caused by environmental degradation has the potential to undo many of the gains in development and poverty reduction. Communities and groups including indigenous and tribal peoples, which are already vulnerable to discrimination and exclusion, and sectors such as agriculture, forestry and fisheries, which employ well over 1 billion people, are the most threatened by climate change. Developing countries are hit the hardest in sectors essential for economic growth and employment.⁵ In the absence of adequate instruments with legal force to address the implications of climate change on enterprises, workers and communities and respond to the needs of the world of work, social justice could be compromised with serious risks of widening inequalities. On the other hand, a well-managed transition guided by appropriate labour standards fully taking into consideration the imperative of decent work, could create many new decent jobs, protect workers and enterprises, and enable social dialogue while providing remedies for those affected by changes.
5. The Paris Agreement which highlights the imperative of a just transition and the creation of decent work recognizes social justice, embodied in the notion of “a just transition” and employment as essential parameters of the global response to climate change. However, a policy and guiding framework responding effectively and comprehensively to the needs and realities of the world of work will not emanate from the governance structures in the climate change regime. It has to originate from ILO constituents.

Implementation of the strategic and coherent approach
and added value of a standard-setting discussion by
the International Labour Conference

6. The 2016 Conference resolution on advancing social justice through decent work notes the rapidity of environmental changes as one of the drivers of changes in the world of work.⁶ A Conference discussion in 2018 would feed into the green centenary initiative and provide the needed inputs for urgent and timely responses in a transition of the world of work to low-carbon and climate-resilient economies. The Conference would contribute in a significant manner to the dynamics of mainstreaming environmental sustainability in the Organization with the proposals to integrate environmental sustainability as a new cross-cutting policy driver in the ILO programming framework.
7. A discussion at the 2018 session of the Conference would be particularly timely and strategic in view of the expected entry into force of the global agreement on climate change in 2020. An ILO instrument would provide a policy framework with a legal basis, at the right moment, to guide social and labour policies. It will complement and add value to the global policy framework on environmental matters with important social implications. ILO tripartite constituents will be enabled to engage in the development and implementation by member States of climate change policies – the Nationally Determined Contributions (NDCs) – from a labour and social perspective.

⁵ See the statement made by the Government representative from Bangladesh at the 326th Session (March 2016) of the Governing Body: “climate change hindered labour mobility and access to employment, and such challenges required specific interventions” (GB.326/PV, para. 318).

⁶ ILO: *Resolution on Advancing Social Justice through Decent Work: Evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization and conclusions for future action*, ILC, 105th Session, Geneva, June 2016, para. 13.

Expected outcome

8. The expected outcome – a Convention – would build on the unanimously adopted Guidelines for a just transition towards environmentally sustainable economies and societies for all, given them legal force as clear and authoritative guidance on the role of decent work for a just transition. Such an instrument would be a means for the Conference and the Governing Body to monitor the implementation of social and labour issues in relation to environmental change and related policies. It will enable member States to pursue an inclusive approach to the governance of sustainable development, bringing labour and social issues at the core, in line with the 2030 Agenda. The new instrument would represent an important milestone for the future of work initiative.

Preparation of the Conference discussion

9. The Conference will benefit from the results of the 2013 Conference general discussion and the work of the tripartite Meeting of Experts held in October 2015. In its preparation, a new tripartite Meeting of Experts could be convened in 2017 that will focus essentially on turning the Guidelines for a just transition towards environmentally sustainable economies and societies for all, adopted by consensus, into a legally binding ILO instrument and lay the ground for the Conference. The Conference will benefit from new research and analysis by the Office and the work of the United Nations Framework Convention on Climate Change.

B. *The changing nature of unemployment and underemployment: The role of technology and other structural drivers of change* (general discussion)

Source, nature and context of the possible item

10. A possible item concerning long-term unemployment was first raised by the Government of the United States of America in 2012,⁷ and was subsequently further discussed and developed in the recurrent discussion on employment in 2014.⁸ It relates to a possible general discussion on the topic of the changing nature of unemployment and underemployment⁹ with a focus on the role of technology and other structural drivers of change. The growing and stubbornly persistent levels of unemployment and underemployment (including informality) over time, have become a priority concern for ILO tripartite constituents in countries at different levels of development. The question of the possible changing nature of unemployment and underemployment, turning from conjuncture fluctuations driven by crises and business and growth cycles into more fundamental structural features driven by

⁷ GB.312/PV, para. 13.

⁸ ILO: *Conclusions concerning the second recurrent discussion on employment*, ILC, 103rd Session, Geneva, 2014, para. VI(I)(a): need for ILO action to build knowledge on structural/long-term unemployment and policies to address the challenge.

⁹ The change in the nature of unemployment refers to what is discussed under the terms of “long-term unemployment” or “structural unemployment”. Even though these two terms are frequently used interchangeably, these are not necessarily synonymous. Long-term unemployment can be structural in nature, driven by structural changes in the economy and not linked to business cycles. In turn, structural unemployment may also result in short-term unemployment and a high level of volatility and turnover of jobs. However, there is a strong correlation between the two trends.

“Underemployment” has been broadly interpreted and has come to be used to imply any sort of employment that is “unsatisfactory” (as perceived by the worker) in terms of insufficient hours, insufficient compensation or insufficient use of one’s skills.

the nature of development, the pattern and pace of technological changes and other structural factors, was first raised during the 2014 Conference second recurrent discussion on employment. The conclusions asked the Office to carry out research on a series of new emerging trends in the labour market including on unemployment/underemployment in all its manifestations, including informality and growth of self-employment. The core questions raised in this context are whether there will be sufficient quality job opportunities available for all women and men jobseekers in different contexts, at different age groups and skills levels; how technological changes and other factors affect the structural features including the level, nature and quality of job opportunities and skills demands; and if indeed these trends and patterns gradually develop into structural and permanent features in the labour markets, what can be the policy responses for realizing the goal of full, productive and freely chosen employment. This goal is embedded in the Employment Policy Convention, 1964 (No. 122), identified as one of the four governance Conventions under the Social Justice Declaration, and is affirmed in Goal 8 on “Decent work and economic growth” of the 2030 Agenda.

11. The interest in long-term/structural unemployment underscored during the second recurrent discussion on employment at the 2014 session of the Conference, was reaffirmed during the recent Governing Body discussion on outcome 1 “More and better jobs for inclusive growth and improved youth employment prospects” in March 2016. The Governing Body also requested that ILO’s work under this outcome be more strongly linked to the future of work initiative.
12. Since the 2014 recurrent discussion, the Office initiated a research agenda on the issues of long-term unemployment/structural unemployment, underemployment, including informality and self-employment, and on skills mismatches. These topics have also been on the research agenda of other organizations such as the Organisation for Economic Co-operation and Development (OECD), World Bank, regional development banks and in academic circles.

Constituents’ needs and realities in light of the ILO strategic objectives

13. After hopeful signs of decreasing unemployment rates across the world before 2008, all available labour market data since show that the employment levels, globally, have not returned to the pre-2008 crisis situation and the prospects of persisting levels of unemployment, including long-term unemployment, underemployment and employment in the informal economy may have further added to already existing structural challenges of labour markets.
14. The ILO constituents across regions are challenged by the following questions that go to the core of their present needs as well as the future of work: To what extent are trends in unemployment and underemployment, including informality, becoming structural extending beyond the economic cycles? How do recent trends in globalization, technological change labelled as the new industrial revolution, interact with demographic transitions and impact the employment prospects in the future? Is an adequately trained workforce existing to fill available jobs? Is there a growing disconnect between economic growth and job creation, in view of episodes of jobless or job poor growth experienced by several countries? What is the impact of structural unemployment and underemployment on economic development and inequality? How do operational labour market institutions and interventions as well as employment-friendly macroeconomic frameworks help adjust and respond in specific contexts? Which parts of the population are more vulnerable to emerging structural unemployment/underemployment? What are the gender dimensions of structural unemployment and underemployment? What can the short-term and long-term policy responses be in different country contexts taking into account new emerging trends in work and production?

Implementation of the strategic and coherent approach and added value of an examination by the International Labour Conference

15. A general discussion at the 2018 session would give constituents the opportunity to review trends, the findings of new research and evidence, as well as exchange experiences on policy responses. From a strategic and coherent approach to the ILC agenda, it will be a timely and necessary input to the ILO's centenary initiative on the future of work, and the policy issues can also be taken into account in the recurrent discussions, in particular on employment when the new cycle resumes. These are also core issues in the Transitional Strategic Plan 2016–17 and programme and budget for the same biennium, in particular under outcome 1 whose implementation performance will be assessed in the report *ILO programme implementation 2016–17* to be examined by the Governing Body in March 2018 and by the Conference in June 2018.
16. The ILO has a specific interest to lead the policy debate on these core issues at the interaction of rapidly evolving economic and labour market contexts, a central dimension of the 2030 Agenda, Goal 8 on “Decent work and economic growth” and of the future of work initiative.

Expected outcome

17. The outcome of the discussion would be conclusions that enable constituents to better appreciate the role of technology and other structural drivers of unemployment and underemployment from a long-term and structural perspective and agree on policy options that could be considered taking into account different and diverse national circumstances. At the same time, a general discussion would specify further directions for the Office's work.

Preparation of the Conference discussion

18. The Office will prepare the background report drawing on findings of new research and evidence to be discussed in a technical committee. Office work under outcome 1, in particular on structural unemployment and underemployment research and seminars; on skills and jobs mismatches, and on youth employment evidence-based analyses, as well as other relevant knowledge developed for and discussed in academic and tripartite forums in relation to the 2030 Agenda and the future of work initiative. The Office report to be prepared for the general discussion would draw on the findings of all this research, provide an overview of trends and findings and integrate them in the policy suggestions.

C. *Effective ILO development cooperation in support of the Sustainable Development Goals (general discussion)*

Source, nature and context of the possible item

19. During tripartite consultations on the Conference agenda in September 2012, the Employers' group proposed a general discussion on technical cooperation. This proposal has been reviewed by the Governing Body at successive sessions since then and has received support from the Employers' group and a number of governments. However, the Workers' group was of the view that technical cooperation should be discussed by the Governing Body, not the Conference.¹⁰

¹⁰ For the specific views expressed by constituents see GB.317/INS/2(Rev.), Appendix I, paras 41–46; GB.319/INS/2, Appendix III; GB.320/INS/2, Appendix II; GB.322/INS/2, Appendix II(1), paras 1–13; GB.323/PV, paras 4–18; GB.323/INS/2, Appendix III(1), paras 1–13. See also the views expressed in November 2015: GB.325/PV, paras 6 (Workers), 7 (Employers), 8 (ASPAG supported for 2017),

20. In November 2015, the Governing Body approved the updated ILO Development Cooperation Strategy for the period 2015–17. On that occasion, the Governing Body also requested the Office to report on its implementation in March 2017. It is likely that the Governing Body will request the Office to prepare a Development Cooperation Strategy for 2018–21 in November 2017.
21. In previous discussions on the Development Cooperation Strategy,¹¹ the Governing Body decided that henceforth the term “development cooperation” would be used, instead of “technical cooperation”.¹² The revised strategy reflected the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa, July 2015),¹³ the findings and recommendations of the independent evaluation of the ILO Technical Cooperation Strategy 2010–15,¹⁴ and the SDGs and targets of the 2030 Agenda adopted by the United Nations Sustainable Development Summit in September 2015.
22. ILO development cooperation can make a difference in improving people’s working life. It enables the Office to enhance the technical, organizational and institutional capacity of constituents to influence national policies. Capacity development enables players in the world of work to translate the SDGs into achievable national actions that promote jobs and protect people, while avoiding the dilution of the decent work concept. Development cooperation contributes to the implementation of Decent Work Country Programmes (DWCPs), flagship programmes and the centenary initiatives, and ensures cross-cutting issues of gender equality and non-discrimination are embedded in all ILO work. As such ILO strategies, programmes and development cooperation contribute to the implementation of the 2030 Agenda. This was well reflected in the ILC discussion in 2016 on the Report of the Director-General concerning the end to poverty initiative.¹⁵ Voluntary contributions from ILO development partners, as well as emerging partnerships and modalities such as South–South and triangular cooperation and public–private partnerships, are an important means of action for development cooperation.
23. The 2030 Agenda has a profound impact on ILO development cooperation, as it reorients global development efforts, whether public or private, domestic or international, and includes South–South and triangular cooperation, towards the universal SDGs and targets. Especially in the context of the UN Development System business as usual is not an option and ILO constituents need to be kept informed and consulted on the implications of the 2030 Agenda. A general discussion on ILO development cooperation in support to the achievement of SDGs at the national level is therefore relevant to all the other items proposed for future Conferences.

9 (Norway supported for 2018), 11 (India supported for 2017), 12 (Africa supported for 2017), 13 (Turkey supported), 15 (Republic of Korea supported), 17 (China supported for 2017), 18 (Italy supported for 2019); GB.326/PV, paras 9 and 12 (IMEC supported), 14 (Employers supported).

¹¹ See GB.325/POL/6, GB.325/PV, paras 519–539.

¹² “The change in terminology over the years from ‘aid’ to ‘technical assistance’ to ‘development cooperation’ stems from the realization that development is a complex, universal and long-term process which can succeed only if grounded on comprehensive, mutual and accountable partnerships. In addition to purely technical aspects, development cooperation encompasses, inter alia, elements of rights, dialogue, good governance, social justice, equality and capacity development.” (GB.322/POL/6, para. 10.)

¹³ See A/RES/69/313.

¹⁴ See GB.325/PFA/6, and GB.325/PV, paras 679–688.

¹⁵ ILO: Report I(B), International Labour Conference, 105th Session, 2016.

Constituents' needs and realities in light of the ILO strategic objectives

24. The SDGs provide the context for the formulation of national development plans, which in turn will provide the basis for the next generation of United Nations Development Assistance Frameworks and DWCPs. It is therefore essential for constituents to be fully aware of the SDG framework and global indicators, its means of implementation and the connection with the ILO's Decent Work Agenda and global results framework. Domestic actors, including workers' and employers' organizations, civil society, local authorities, emerging economies and the private sector will play a critical role in implementing the SDGs.
25. The possible general discussion by the Conference would situate the ILO's development cooperation in this new and fundamentally different context, and would provide the Office with constituents' guidance on how to enhance development cooperation and partnerships in support of decent work outcomes and SDGs in countries. The discussion would strengthen the strategic dimension of ILO development cooperation actions and partnerships at the national level, and the role of the tripartite constituents therein. This would provide complementary depth and extended guidance to the future ILO Development Cooperation Strategy (2018–21). In addition, it would build on the 2016 Conference resolution on advancing social justice through decent work¹⁶ that reaffirms the relevance of the Social Justice Declaration in guiding the ILO response to the challenges related to the implementation of the 2030 Agenda and in integrating decent work into national sustainable development strategies. It calls on the ILO to support its tripartite constituents in aligning the DWCPs with national and regional sustainable development strategies as well as with UN national planning frameworks, and to ensure that gender equality and non-discrimination are recognized as cross-cutting issues in all the ILO's work. In this context, a review and discussion of the contribution of development cooperation to the 2030 Agenda at the country level via DWCPs is warranted.

Implementation of the strategic and coherent approach and added value of an examination by the Conference

26. The last general discussion by the Conference on the role of the ILO in technical cooperation was in 2006. On that occasion, the Conference adopted a resolution which called for a review of the subject five years later. This review has not yet taken place.
27. The general discussion would therefore situate the ILO's development cooperation programme within a changing context, with special emphasis on the 2030 Agenda and how the ILO and its tripartite members can support constituents in countries in its implementation through development cooperation. If scheduled in 2018, the general discussion would provide important inputs into the centennial debate by the Conference in 2019. The discussion should also be framed by the thematic follow-up and review process of the United Nations at the annual HLPF. Development cooperation is of relevance to all ILO operational activities and therefore to any Conference discussion.

Expected outcome

28. The general discussion would specify the ILO's role in the changing development cooperation context and take account of the 2030 Agenda, follow-up to the resolution on Advancing Social Justice through Decent Work, new and emerging partnerships, the development effectiveness debate, the United Nations "fit for purpose" exercise and the Office's own results framework. It would recommend ways for the Office, the tripartite constituents and development partners to strengthen development cooperation programmes and decent work outcomes in countries, aligned with the priorities set by constituents

¹⁶ See footnote 6 above.

through the Strategic Plan 2018–21, the two consecutive programme and budget documents under that planning period and DWCPs, reporting and visibility, development effectiveness and United Nations system-wide coherence.

Preparation of the Conference discussion

29. The report to be submitted to the Conference would be based on the internal and external reviews of ILO development effectiveness, and on a survey, which would enable beneficiaries, constituents, resource and other development partners, and implementing ILO units and field offices to express their views on the relevance and effectiveness of the ILO development cooperation programme. It will benefit from Regional Meetings¹⁷ as well as Governing Body discussions, such as on regional development cooperation perspectives.¹⁸ The report will be prepared by ILO regular staff with support from external research consultants and will require additional resources.

2. Additional elements as regards the follow-up envisaged in relation to four subjects

A. Resolution of individual labour disputes

30. The Office continues its research on mechanisms for resolution of individual labour disputes, in the framework of the Plan of Action to implement the Conference conclusions concerning the recurrent discussion on social dialogue (102nd Session of June 2013).¹⁹ Preliminary analysis suggests that member States face critical challenges to their ability to establish and maintain fair and efficient labour dispute prevention and resolution systems. Thus, they face challenges in ensuring access to justice.
31. Legal frameworks may have limited coverage. Effective coverage can be constrained by cumbersome and lengthy procedures. Multiplicity of institutions and processes may bring jurisdictional overlap or uncertainty. These challenges may be compounded by failure or inability to implement outcomes.
32. Greater access to collective mechanisms appears to facilitate access to informal, cheaper, more expedient and less stressful settlement options for both employers and workers. Moreover, systems put different levels of emphasis on voluntary prevention and settlement of disputes.
33. Member States are responding to the challenges. Jurisdictions which have already established sound dispute mechanisms are increasingly placing more emphasis on information, awareness-raising, advice and education services. They also introduce or

¹⁷ The Ninth European Regional Meeting (April 2013), the 18th American Regional Meeting (October 2014), the 13th African Regional Meeting (2015) and the 16th Asia and the Pacific Regional Meeting (December 2016).

¹⁸ These include discussions concerning Africa (315th Session), Asia and the Pacific (317th Session), the Americas (319th Session), Europe (320th Session) and the Arab States (322nd Session), South–South and triangular cooperation (315th and 316th Sessions), public–private partnerships (316th, 320th and 325th Sessions), technical cooperation in fragile States (320th Session) and on the ILO’s Development Cooperation Strategy (322nd, 323rd, 325th and 328th Sessions).

¹⁹ The Office commissioned over 50 country studies, in all regions, using a pre-established research questionnaire. The research examines both judicial and extrajudicial dispute resolution mechanisms and processes, including specialized labour court/tribunal procedures, conciliation/mediation and arbitration, and bipartite voluntary procedures through the participation of employers and workers. It also considers, among other things, the interaction between these mechanisms, and their connection to labour inspectorates.

improve statistical and case management systems. Dispute resolution institutions increasingly adopt proactive and targeted approaches to reach out to and empower those in need of their services. Greater use of conciliation/mediation is common, both inside and outside adjudication systems. In some cases this raises questions about the balance between efficiency and quality.

34. The research findings are being disseminated during 2016–17 through working papers, policy briefs and a book on OECD countries.²⁰ The findings are also informing technical advisory services and support in several countries. They will serve as input to the report for the recurrent discussion on fundamental principles and rights at work at the International Labour Conference in 2017.
35. In keeping with the Plan of Action, the research continues to work to identify guiding principles for effective labour dispute resolution systems. This includes a focus on global developments in access to justice, in the context of the SDG.
36. The research suggests that challenges to the effective recognition and implementation of international labour standards may be exacerbated by the fact that there is no single ILO instrument that broadly and comprehensively establishes guiding principles for effective systems of dispute resolution, particularly for individual labour disputes.²¹
37. Existing standards will be addressed in the context of the Standards Review Mechanism: four of the six instruments in set 12 relate to dispute resolution.²² The needs of constituents are likely to be further clarified in the recurrent discussion on fundamental principles and rights at work in 2017. Together with further research findings, these developments will enable the Office to advise the Governing Body about the desirability of action, and the form that any such action may take.

B. Non-standard forms of employment

38. The Meeting of Experts on Non-Standard Forms of Employment, held in February 2015, and endorsed by the Governing Body at its March 2015 session, called on the Office to “analyse whether there are gaps in international labour standards, or instruments that do not sufficiently reflect the reality of today’s world of work, and identify barriers to ratification of standards”. The Office was asked to evaluate “the need for additional labour standards possibly through meetings of experts to address temporary contracts, including fixed-term contracts, and discrimination based on employment status”. During the recurrent discussion on labour protection, at the 104th Session of the Conference, the constituents reiterated the need to evaluate additional international labour standards possibly through a Meeting of Experts, “and including, but not limited to, using the Standards Review Mechanism”. At the 325th Session (November 2015) of the Governing Body, under the follow-up to the recurrent discussion, it was indicated that the Governing Body could convene such a meeting for 2017

²⁰ M. Ebisui, S. Cooney and C. Fenwick (eds): *Resolving individual labour disputes: A comparative overview*, ILO (ISBN 978-92-2-130419-7).

²¹ The ILO supervisory bodies and the International Labour Conference frequently acknowledge the importance of collective dispute resolution mechanisms. Several international labour standards refer to dispute resolution. The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), and the Examination of Grievances Recommendation, 1967 (No. 130), address certain aspects of the resolution of labour disputes.

²² Set of instruments 12: Labour inspection, labour administration and industrial relations instruments comprises the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), the Labour Inspection Recommendation, 1923 (No. 20), the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), the Communications within the Undertaking Recommendation, 1967 (No. 129), and the Examination of Grievances Recommendation, 1967 (No. 130).

and that the interaction and coordination of such a meeting and the SRM would be clarified. The organization of the meeting remains dependent of resource availability. In the meantime, the Office will publish a global report on non-standard employment making policy recommendations based on best practices as a part of the effort to build the Office's knowledge base in this emerging area.

C. Decent work in the world of sport

39. This subject is considered in the framework of the agenda of the Conference on the basis of a suggestion made by the UNI Global Union,²³ in view of the growing organization among professional athletes²⁴ to address issues of fundamental principles and rights at work, working conditions, occupational safety and health, and other labour matters. Recent research as well as legal and policy trends have addressed growing concern over such issues as trafficking of minors, institutionalized discrimination, constraints on mobility due to contracting and third-party brokering practices, as well as serious health and safety risks due to repetitive head injuries or forced doping. Athletes furthermore face severe challenges in seeking remedy as sports matters are largely dealt with by specialized arbitration institutions, such as the Court of Arbitration for Sport. Challenges to decent work in sports exist in all countries, and are particularly unexplored in individual "Olympic" sports and in regional sports.
40. As this is an emerging and sectoral topic, it could be addressed first by a sectoral technical meeting or Meeting of Experts, which would allow constituents to examine the scope of the issues and its particular legal and policy framework. The Governing Body might consider asking the sectoral advisory bodies, at their next meeting in January 2017, to take this proposal into account. A sectoral meeting or Meeting of Experts could recommend further appropriate action, including standard setting, to address issues identified which fall within the mandate of the ILO. Such a meeting would complement ILO current work on sporting mega-events, such as the football world cup, as well as on non-standard forms of employment.

D. Independence and protection in public service (fight against corruption)

41. The conclusions of the Global Dialogue Forum on Challenges in Collective Bargaining in the Public Service (Geneva, 2–3 April 2014) included references to the role of legislation, social dialogue and collective bargaining in the independence and protection of public servants, including anti-corruption legislation; the Workers' group highlighted this issue also in the sectoral advisory body in October 2014. The Governing Body was informed in November 2015, that a proposal from Public Service International had been received for an item on the Conference agenda with a view to standard setting to ensure the independence, impartiality and protection of certain categories of public service workers, notably through the fight against corruption.²⁵
42. The harmful effect of corruption on the delivery of public services and economic development has been the subject of much attention by intergovernmental organizations, but none of them have endeavoured to protect the safety, security and freedom from retaliation

²³ GB.320/INS/2, para. 30.

²⁴ According to FIFA, there are 265 million registered football players alone, ranging from amateur to semi-professional and professional (see *FIFA Magazine*, July 2007, p. 10).

²⁵ GB.325/INS/2, para. 31.

(including arbitrary arrest) of the civil servants whose job is to protect the public interest from dishonest or fraudulent conduct by government officials or private actors.

43. As this is an emerging topic and issues are still open, including whether ILO work should also address private sector workers, the topic could be first examined by a Meeting of Experts. Such a meeting would provide constituents with the opportunity to examine the scope of the issues and their particular legal and policy implications. Taking into account the sectoral approach to this issue, the Governing Body might consider asking the sectoral advisory bodies, at their next meeting in January 2017, to take into account the inclusion of such a Meeting of Experts in the proposals for 2018–19 as well as make a recommendation regarding a sectoral scope for such a meeting.

Appendix II

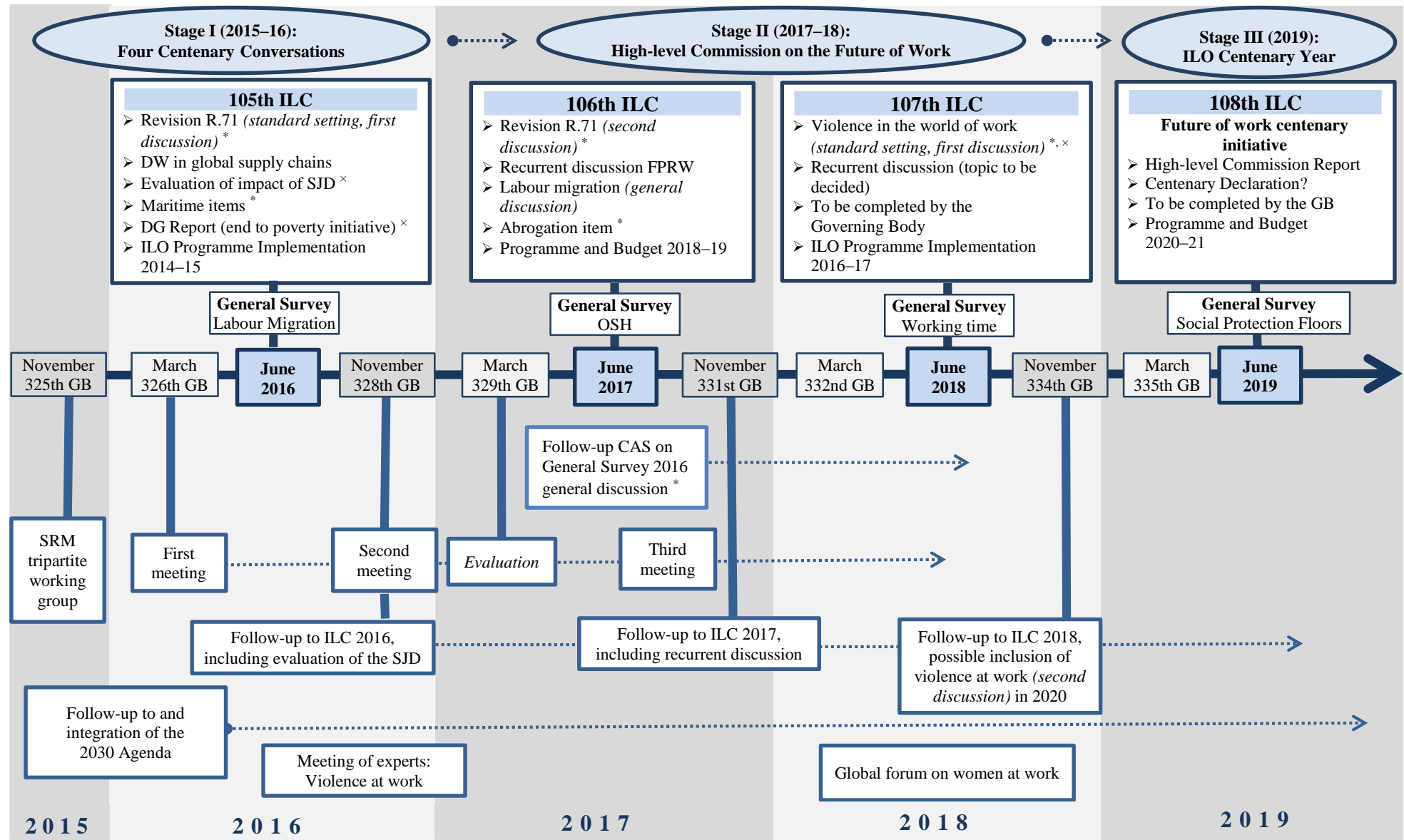
Overview of the technical items selected for the Conference agenda (2010–19)

Session	Technical items			
99th (2010)	Decent work for domestic workers – standard setting, double discussion (first discussion).	Elaboration of an autonomous Recommendation on HIV/AIDS in the world of work – standard setting, double discussion (second discussion).	A recurrent discussion on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Review of the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.
100th (2011)	Decent work for domestic workers – standard setting, double discussion (second discussion).	Labour administration and labour inspection – general discussion.	A recurrent discussion on the strategic objective of social protection (social security), under the follow-up to the Social Justice Declaration.	
101st (2012)	Elaboration of an autonomous Recommendation on the Social Protection Floor – standard setting, single discussion.	Youth employment crisis – general discussion.	A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration, and the follow-up (revised, June 2010) to the 1998 Declaration.	
102nd (2013)	Employment and social protection in the new demographic context – general discussion.	Sustainable development, decent work and green jobs – general discussion.	A recurrent discussion on the strategic objective of social dialogue, under the follow-up to the Social Justice Declaration.	Further review of remaining measures previously adopted by the Conference under article 33 of the ILO Constitution to secure compliance by Myanmar with recommendations of the Commission of Inquiry on forced labour.
103rd (2014)	Supplementing the Forced Labour Convention, 1930 (No. 29), to address implementation gaps to advance prevention, protection and compensation measures, to effectively achieve the elimination of forced labour – standard setting, single discussion.	Facilitating transitions from the informal to the formal economy – standard setting, double discussion (first discussion).	Second recurrent discussion on the strategic objective of employment, under the follow-up to the Social Justice Declaration.	Approval of amendments to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee established under Article XIII of the Convention.

Session	Technical items			
104th (2015)	The transition from the informal to the formal economy – standard setting, double discussion (second discussion).	Small and medium-sized enterprises and decent and productive employment creation – general discussion.	A recurrent discussion on the strategic objective of social protection (labour protection), under the follow-up to the Social Justice Declaration.	
105th (2016)	Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – standard setting, double discussion (first discussion).	Decent work in global supply chains – general discussion.	Evaluation of the impact of the Social Justice Declaration.	Approval of amendments to the Annexes to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185); and to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee.
106th (2017)	Decent work for peace, security and disaster resilience: Revision of Recommendation No. 71 – standard setting, double discussion (second discussion).	A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the Social Justice Declaration.	Labour migration (general discussion).	Abrogation of Conventions Nos 4, 15, 28, 41, 60 and 67.
2018 (To be completed)	Violence against men and women in the world of work – standard setting, double discussion (first discussion).			
2019 (To be completed)				

Appendix III

Agenda of the ILO – timeline – 2015–19



* = standard setting; x = centenary initiative.

