



## Governing Body

331st Session, Geneva, 26 October–9 November 2017

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**Policy Development Section**  
*Employment and Social Protection Segment*

**POL**

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### FIRST ITEM ON THE AGENDA

## Outcome 2: Ratification and application of international labour standards

#### Purpose of the document

The Governing Body is invited to provide guidance regarding the implementation of the strategy for Outcome 2 of the Programme and Budget for 2016–17 (see the draft decision in paragraph 31).

**Relevant strategic objective:** Standards and fundamental principles and rights at work.

**Main relevant outcome/cross-cutting policy driver:** Outcome 2: Ratification and application of international labour standards.

**Policy implications:** The guidance provided by the Governing Body will inform the implementation of the Standards Initiative, of the 2016 resolution on Advancing Social Justice through Decent Work, and of Outcome 2 of the Programme and Budget for 2018–19 on ratification and application of international labour standards.

**Legal implications:** None.

**Financial implications:** None.

**Follow-up action required:** See above under policy implications.

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** GB.331/POL/2; GB.331/INS/5.



## Introduction and rationale

1. This report describes the highlights of the strategy, planned deliverables and results achieved in implementing Outcome 2 of the Programme and Budget for 2016–17, which is now drawing to its close, as well as the lessons learned and steps taken to address them. A detailed account of the results achieved will be presented in the ILO programme implementation report for 2016–17.
2. The strategies implemented under Outcome 2 fall within the framework set by the ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008 (Social Justice Declaration) and the resolution on Advancing Social Justice through Decent Work, adopted in 2016 (2016 resolution). They constitute an integral part of several Centenary Initiatives, which include the Standards Initiative, the Women at Work Initiative and the Future of Work Initiative.
3. The vision underlying Outcome 2 of the Programme and Budget for 2016–17 has been to better equip member States to ratify, apply and give effect to international labour standards as a means to further social justice, as set out in the ILO Constitution, and advance the objectives of decent work. In order to promote this vision, the ILO prioritized the following three changes in its standards-related action over the 2016–17 biennium:
  - (a) effective engagement in, and ownership of, the standards system by the tripartite constituents;
  - (b) wider ratification and implementation of, and effect given to, international labour standards guided by the observations of the ILO supervisory bodies; and
  - (c) strengthened capacity and awareness of tripartite constituents, parliamentarians, judges and legal practitioners, as well as other key actors, with regard to applying international labour standards and the guidance of the supervisory bodies.
4. These changes are reflected in the outcome indicators used to track the ILO's efforts to promote international labour standards.
5. Achieving results calls for action at three complementary levels of work: (i) the global institutional and policy levels, with particular reference to work concerning the implementation of the Standards Initiative and the setting of the International Labour Conference agenda; (ii) the country level, focusing on the implementation and ratification of standards with a view to covering progressively the four strategic objectives with emphasis on the fundamental and governance Conventions; and (iii) the multilateral level, including the promotion of the understanding and recognition of ILO standards within the framework of ILO partnerships with other international organizations.
6. The most important lesson learned during the biennium is the need to step up efforts to ensure coherence between actions taken at the global level and those taken at the national level with the active engagement of the tripartite constituents in order to promote a virtuous cycle between the ILO's normative function, Decent Work Country Programmes (DWCPs), technical assistance and development cooperation. This fundamental role of international labour standards should be preserved and reinforced to contribute to the promotion of all four strategic objectives of the Decent Work Agenda. The integrated approach set forth in the Social Justice Declaration provides the framework for this. Two means of action should be highlighted with a view to ensuring appropriate synergies between the global and national levels:

- (a) supporting member States with respect to the ratification and implementation of standards guided by the comments of the supervisory bodies, with emphasis placed on the fundamental and governance Conventions; and
- (b) building a robust narrative to promote visibility and understanding of the role of standards in the implementation of the 2030 Agenda for Sustainable Development (2030 Agenda) at the national level supported by relevant assistance, including capacity building based on countries' needs.

## Strategy and implementation highlights

### 1. **Effective engagement in, and ownership of, the standards system by the tripartite constituents**

7. The focus of the Outcome 2 strategy in this area has been the implementation of the Standards Initiative, launched by the Director-General in 2015 with a view to consolidating tripartite consensus on the role of international labour standards in achieving the ILO's constitutional objectives. The Standards Initiative has two components: one focusing on ILO labour standards policy, and one on strengthening an authoritative supervisory mechanism within the constitutional framework.
8. With regard to the first component of the Standards Initiative, a tripartite working group was set up by the Governing Body<sup>1</sup> under the Standards Review Mechanism (SRM) to ensure that the existing body of standards is up to date and relevant to the world of work. It has so far met three times<sup>2</sup> and succeeded in defining an initial programme of work whereby it undertook to examine 235 standards divided into 20 sets of instruments organized by strategic objective. It also reviewed a first group of 63 outdated Conventions and Recommendations and launched a "strategic" follow-up with targeted technical assistance to be provided at country level on each of the outdated Conventions concerned, with a view to avoiding gaps in protection and facilitating ratification of corresponding up-to-date Conventions in the relevant technical field.
9. Further to the work of the SRM Tripartite Working Group (SRM TWG), the Conference decided at its 106th Session (2017) to abrogate and/or withdraw six Conventions (Nos 4, 15, 28, 41, 60 and 67), which were no longer up to date, for the first time ever in ILO history.<sup>3</sup> Furthermore, the Governing Body decided to place on the agenda of the 107th Session (2018) of the Conference an item on the abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and the withdrawal of Recommendations Nos 7, 61 and 62.<sup>4</sup> In addition, the Governing Body has before it a proposal for a standard-setting item on apprenticeships aimed at addressing a regulatory gap identified by the SRM TWG.<sup>5</sup>

<sup>1</sup> [GB.323/INS/5](#) and [GB.323/PV](#), para. 84(e) (Mar. 2015) and [GB.325/LILS/3](#) (Oct.–Nov. 2015).

<sup>2</sup> [GB.326/LILS/3/2](#) (Feb. 2016 meeting), [GB.328/LILS/2/1](#) (Oct. 2016 meeting), and [GB.331/LILS/2](#) (Sep. 2017 meeting).

<sup>3</sup> *Provisional Record No. 10* and *Reports VII(1)* and *VII(2)*, International Labour Conference (ILC), 106th Session, 2017.

<sup>4</sup> [GB.328/INS/3\(Add.\)](#).

<sup>5</sup> *ibid*, [GB.329/INS/2](#) and [GB 331/INS/2](#).

10. Lastly, the SRM TWG met for the third time in September 2017 to review a group of 19 instruments concerning occupational safety and health. At its current session, the Governing Body has before it the report of the Officers of the SRM TWG.<sup>6</sup>
11. In order to ensure sustainability in the follow-up to the recommendations of the SRM TWG, the Office took steps to support the development of holistic tripartite national policies and action plans on the ratification, application and reporting of international labour standards and their integration into DWCPs.<sup>7</sup> This strategy is further developed and enhanced in the framework of the Programme and Budget for 2018–19. In the same framework, the Office is currently preparing a campaign for the universal ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
12. This action falls squarely in the framework of the strategy pursued under the Social Justice Declaration and the 2016 resolution, and draws on examples of good practices by member States which have established a comprehensive medium-term standards policy at national level through tripartite consultations.
13. With regard to the setting of the Conference agenda, at its 328th Session (October–November 2016), on the basis of the strategic and coherent approach adopted in 2014, the Governing Body placed several items on the agenda of future sessions of the Conference, including an item on effective ILO development cooperation in support of the Sustainable Development Goals (SDGs) with a view to a general discussion at the 107th Session (2018).<sup>8</sup> In the framework of preparations for this general discussion, the Office has been developing tools and strategies aimed at better mainstreaming international labour standards into development cooperation, in support of the United Nations (UN) normative agenda and rights-based approach to development reflected in the 2030 Agenda (see also the next section).
14. An important aspect of the Outcome 2 strategy has been to enhance the involvement of the tripartite constituents in the preparation and adoption of new international labour standards. To this end, the programme and budget results framework contains an indicator 2.1 focusing on the participation of the tripartite constituents in the preparatory work leading to the adoption of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), at the 106th Session (2017) of the Conference. Nevertheless, the response rates to the questionnaires sent by the Office on this instrument remained at the level of those obtained in previous years.<sup>9</sup>

<sup>6</sup> GB.331/LILS/2.

<sup>7</sup> The Office has developed a tool in the form of a table that gathers information on the outdated and related more up-to-date Conventions in force for each member State including any available information – based on comments by the Committee of Experts on the Application of Conventions and Recommendations – on the likelihood of ratification of up-to-date instruments. On that basis, implementation plans can be developed on targeted technical assistance to be offered, within the limits of available resources, in the next biennium to member States interested in ratifying the more up-to-date instruments.

<sup>8</sup> [GB.328/INS/3\(Add.\)](#).

<sup>9</sup> In particular, replies were received to the first questionnaire circulated by the Office in 2016 from **85 governments of member States, 32 workers' organizations and 27 employers' organizations** ([Report V\(2\)](#), ILC, 105th Session, 2016) while comments on the second report were received from **99 member States including 86 governments, as well as 15 employers' organizations and 62 workers' organizations** ([Report V\(2A\)](#), ILC, 106th Session, 2017). By comparison, with regard to the preparation of the Transition from the Informal to the Formal Economy Recommendation, 2015

15. Lessons learned for the future for setting up the Conference agenda could involve drawing on the potential outcomes of the work of the SRM TWG and other institutional forums allowing for the early involvement of the tripartite constituents in identifying protection gaps based on a comprehensive examination of existing standards. Furthermore, the 2016 resolution emphasizes that the new cycle of recurrent discussions should take into account their contribution to the streamlining of the process of setting the Conference agenda (subparagraph 15.2(c)(iii) of the resolution). One institutional matter that calls for improvement in this framework is the contribution of general surveys by the Committee of Experts on the Application of Conventions and Recommendations and the related discussions by the Conference Committee on the Application of Standards to recurrent discussions (subparagraph 15.2(b)). The Office will pursue and further develop its work in this area in the next biennium, including by exploring options for making better use of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution (subparagraph 15.1).<sup>10</sup>
16. The second component of the Standards Initiative focuses on strengthening the authoritative nature and effectiveness of the ILO supervisory mechanism within the constitutional framework. In this context, the Office has been providing the necessary support to facilitate the Governing Body discussions on the basis of a joint report by the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association (CFA).<sup>11</sup> At its 329th Session (March 2017), following extensive consultations with the three constituent groups, the Governing Body adopted a time-bound workplan for the strengthening of the supervisory system and requested the Office to take the necessary steps for its implementation, always in consultation with the tripartite constituents. This item is under discussion at the current 331st Session (November 2017) of the Governing Body<sup>12</sup> with a view to examining progress made.

## 2. **Wider ratification and implementation of, and effect given to, international labour standards guided by the observations of the supervisory bodies**

17. The focus of the Outcome 2 strategy in this area has been to build closer synergies between the work of the supervisory bodies and the assistance provided by the Office at country level with a view to ensuring effective support to the constituents in the process of ratifying Conventions and taking steps for their implementation as guided by the comments of the supervisory bodies.<sup>13</sup> This involves closer coordination of the work carried out at headquarters, where the supervisory bodies meet, and in the field, where Decent Work Technical Support Teams (DWTs) are based, outputs are delivered and results produced. New structures introduced by the Director-General at the beginning of the biennium, such as outcome coordination teams and global technical teams, constituted the basis on which closer collaboration and coordination was developed. Enhanced two-way communication served to channel the priorities and guidance of the supervisory bodies at the country level in order to deliver more immediate and tailor-made support and rapid feedback for further

(No. 204), replies to the first report ([Report V\(2\)](#), ILC, 103rd Session, 2014, ILC.103/V/2) were received from **97 governments, 75 workers' organizations and 23 employers' organizations** and comments on the second report were received from **95 member States including the governments of 67 member States** ([Report V\(2B\)](#), ILC, 104th Session, 2015).

<sup>10</sup> See GB.331/INS/5.

<sup>11</sup> [GB.326/LILS/3/1](#) (Mar. 2016) and [GB.328/LILS/2/2](#) (Oct.–Nov. 2016).

<sup>12</sup> GB.331/INS/5. See also [GB.329/INS/5](#) and [GB.329/INS/5\(Add.\)\(Rev.\)](#).

<sup>13</sup> See also GB.331/POL/2 on Outcome 8: Protecting workers from unacceptable forms of work.

review by the supervisory bodies, thereby progressively building a virtuous cycle of guidance, support and reporting between the ILO supervisory system and ILO technical assistance. This strategy will be further reinforced in the next biennium.

18. To illustrate the above, after the June 2016 session of the Committee on the Application of Standards, **priority follow-up missions took place in more than 16 countries**<sup>14</sup> **by the time of drafting of this report**, through close collaboration between the International Labour Standards Department (NORMES), relevant technical departments, including the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV), and DWT specialists on international labour standards. The main bulk of the missions took place from July to October 2016 in order to allow the Committee of Experts' meeting in November–December 2016 to examine the progress made and provide further feedback to the Committee on the Application of Standards at the 106th Session (2017) of the Conference.
19. Furthermore, the preparation of the Committee of Experts' sessions of November–December 2016 and 2017, respectively, took place in close communication with the DWTs, inter alia, through a series of online conferences and webinars which served to provide up-to-date information on country-level developments and progress made towards the implementation of ratified Conventions, as well as latest developments in the law and practice on working time followed at national level. This information will serve to assist the Committee of Experts in the preparation of its reports on the application of ratified Conventions and the General Survey on working time, which will be discussed by the Committee on the Application of Standards at the 107th Session (2018) of the Conference. Lastly, the Office supported labour law reforms consistent with international labour standards and the guidance of the ILO supervisory bodies in 23 countries during the biennium.<sup>15</sup>
20. The Office is currently taking steps to further enhance the virtuous cycle of guidance, support and reporting, including through the use of extra-budgetary resources. In particular, during the current biennium, three development cooperation projects have been piloted with the support of the European Commission specifically on the implementation of supervisory body comments and reporting thereon in ten countries, with a particular focus on the fundamental Conventions.<sup>16</sup> These projects have been positively evaluated and are in the process of being extended by the donor. The Office is interested in further expanding this area of activity, possibly in the wider framework of the upcoming 2018 general discussion on development cooperation and drawing on good practices followed in other UN system

<sup>14</sup> The follow-up given by the Office to the conclusions of the Committee on the Application of Standards on 24 individual cases every year can be accessed at the following link: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_549561.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_549561.pdf). In addition, in order to follow up on the comments of the Committee on the Application of Standards concerning serious failure by more than 60 member States to meet reporting obligations, assistance was provided over the biennium to: Burundi, Cabo Verde, Sao Tome and Principe, Sudan, and subregional activities took place for: Fiji, Kiribati, Samoa and Tuvalu and also 13 member States from the Caribbean.

<sup>15</sup> Armenia, Burkina Faso, Cambodia, Chile, Côte d'Ivoire, Egypt, Grenada, Honduras, Iraq, Jamaica, Jordan, Kuwait, Mozambique, Pakistan, Peru, San Marino, Sao Tome and Principe, United Republic of Tanzania, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom (Cayman Islands), Viet Nam and Zambia.

<sup>16</sup> These projects focus on the following countries benefiting from the European Union's Generalised System of Preferences: Armenia, Cabo Verde, El Salvador, Guatemala, Mongolia, Pakistan, Panama, Paraguay, Philippines and Thailand.

organizations in this area,<sup>17</sup> in order to link even further the guidance provided by the ILO supervisory system with country-level support.

21. In parallel to this, the Office has reinforced its internal coordination in the framework of the 2030 Agenda and the 2016 resolution with a twofold purpose:

- (a) to enhance the mainstreaming of standards as cross-cutting policy drivers in DWCPs and related country programme outcomes (CPOs) across all four strategic objectives and the ten outcomes of the programme and budget. Revised guidance on the preparation of DWCPs has placed particular emphasis on international labour standards; this has served in turn to identify internal needs for sensitization and to launch initiatives, notably internal workshops and tools, to address them. This work will continue in the next biennium in the framework of the programme and budget for 2018–19, which gives specific attention to international labour standards as cross-cutting policy drivers; and
- (b) to improve reporting on the resources allocated by the Office in supporting the activities of the ILO supervisory bodies through the creation of a specific programming outcome dedicated to this significant output under Outcome 2 and to this priority area of action under the Standards Initiative and the 2016 resolution. This has helped to avoid indirect, fragmented and incomplete reporting through individual CPOs.

22. One of the important lessons learned this biennium is the need to strengthen the coherence of strategies whereby bottom-up country level priorities driven by CPOs in DWCPs meet with top-down strategies and programmes that flow from the supervisory body recommendations. One of the elements to address in this framework is the time lag which exists between the setting of CPO targets in the programming cycle and the setting of priorities by the supervisory bodies outside the programming cycle on which the Office is expected to follow up rapidly. In line with the current programming approach and results-based management practices, the target CPOs are identified at the beginning of each biennium with a two-year implementation horizon. However, the supervisory bodies tend to identify new priorities in their reports which are released in the course of the biennium. These priorities may or may not coincide with those identified in the programming cycle and the criteria for their selection sometimes differ. Approximately half of the 24 countries examined by the Committee on the Application of Standards in June 2016 and in relation to which priority follow-up was given during the biennium did not have a CPO with target status. This in turn gave rise to ex post facto adjustments in the programming cycle in order to align the priority support provided with the results-based framework of the Office. Closer examination is needed to identify an institutionalized programming approach for ensuring closer alignment in the course of the next biennium.

### **3. Strengthened capacity and awareness of tripartite constituents, members of parliament, judges and other key actors with regard to applying international labour standards and the guidance of the supervisory bodies**

23. Capacity building and awareness raising are undoubtedly the most important means for delivering on the strategic orientations of Outcome 2. The Office has a long-standing and

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<sup>17</sup> For example, the Office of the UN High Commissioner for Human Rights highlights the link between the guidance provided by the supervisory bodies and follow-up assistance. See <http://www.ohchr.org/Documents/Publications/OMP2012-13.pdf>.

fruitful collaboration in this area with the International Training Centre of the ILO (ITC–ILO) in Turin. Over the biennium the ITC–ILO carried out some 60 training activities on international labour standards with a total of 1,822 participants (907 women and 915 men) in the five regions. The activities were tailor-made to meet the needs identified by national institutions and were guided by the comments of the supervisory bodies on the application of international labour standards. The programme focused essentially on three types of training:

- reinforcing national capacities to apply international labour standards and respect the relevant reporting obligations;
- reinforcing the capacities of judges and law professionals to make use of international labour standards in resolving labour disputes; and
- promoting knowledge of international labour standards among media professionals in order to sensitize public opinion on internationally recognized rights at work.

24. In order to enlarge the outreach and upscale the quality of training delivered in collaboration with the ITC–ILO, the Office undertook, under the Programme and Budget for 2016–17, to launch an International Labour Standards Academy for the first time in May–June 2017. In total, 141 participants (72 women and 69 men) from 58 countries<sup>18</sup> participated in the six courses offered in parallel strands during the Academy<sup>19</sup> to a diverse audience including the tripartite ILO constituents, judges, parliamentarians, labour inspectors, journalists, lawyers, law professors, human rights activists, and other practitioners interested in rights at work. Opportunities for interaction among these groups facilitated interdisciplinary exchanges and dialogue focusing not only on the technical aspects of international labour standards, but also on their relevance to the four strategic objectives of the Decent Work Agenda. In particular, the Academy included daily transversal sessions which served as a forum for high-level policy debates linking international labour standards with major socio-economic developments in relation to the future of work, global supply chains, poverty alleviation and non-standard forms of employment. The courses were delivered in a cost-effective manner by optimizing the use of available resources in terms of technical expertise, administrative support and logistics.

25. Two main elements deserve further highlighting in this framework. The first relates to the ability to raise awareness not only of international labour standards as such, but also of their fundamental role in the governance of the world of work at large. The second has to do with the increased ability to achieve economies of scale and obtain higher levels of external funding. Training sessions by the ITC–ILO have been an integral part of development cooperation projects aimed at promoting awareness, ratification and application of international labour standards, including the three projects supported by the European

<sup>18</sup> Europe (7), Africa (17), Americas and the Caribbean (13), Asia and the Pacific (13), Middle East (8).

<sup>19</sup> The following courses were offered:

1. International labour standards (pre-Conference course for the tripartite constituents).
2. Including diversity and preventing discrimination.
3. Identifying and investigating cases of forced labour and trafficking.
4. International labour standards for judges, lawyers and legal educators.
5. Communicating labour rights (training course for media professionals).
6. National legal implementation of the ILO MLC, 2006.

Commission mentioned above and a fourth one concerning the member States of the Gulf Cooperation Council.<sup>20</sup>

26. Drawing on this positive experience, and in line with the strategic orientations mentioned at the beginning of this report, the Office in collaboration with the ITC–ILO will focus in the next biennium on facilitating the adoption of national strategies for the reinforcement of the technical capacities of, and synergies among, all key actors working on the promotion, ratification and application of international labour standards. Training is to be delivered at regional level and produce results at the national level where the ratification of international labour standards and their implementation, as guided by the comments of the supervisory bodies, are taking place. One of the priorities in delivering this training will be to make closer linkages with national situations and bridge any existing gaps in training between the aim and contents of standards in general and concrete examples of their successful application in practice.<sup>21</sup>
27. Significant room for progress remains in terms of integrating standards as cross-cutting policy drivers in all training sessions offered by the ITC–ILO beyond courses which specifically focus on international labour standards. A recent evaluation report presented to the Board of the ITC–ILO emphasizes that, as the “DNA of the Organization”, the relevance of international labour standards should be brought out in all ILO and ITC–ILO activities. It underlines, among other things, that all training programmes beyond those which specifically focus on international labour standards should recognize and make better use of the standards basis of the ILO.<sup>22</sup> This recommendation resonates well with the steps already taken this biennium for the mainstreaming of standards in the programming frameworks and technical work of the Office and paves the way for the priorities to be pursued further in the next biennium.

## Conclusions

28. This report illustrates the strategy through which the Office has delivered on Outcome 2 of the Programme and Budget for 2016–17, in the framework of the Centenary Initiatives, the 2030 Agenda and the follow-up to the 2016 resolution. The Office is now building on the achievements and lessons learned in order to further promote the ratification and application of international labour standards in the framework of the 2018–19 biennium, which also marks the ILO’s centenary.
29. The focus during the next biennium will be on strengthening even further the support provided to member States through the implementation of the Standards Initiative, enhanced technical assistance and development cooperation, as well as upscaled capacity building and awareness raising delivered in collaboration with the ITC–ILO.
30. It should be noted that the discussions taking place in the framework of the Standards Initiative and the results delivered in relation to Outcome 2 within the framework of the Programme and Budget for 2016–17 have led to a significant increase in demands on the Office.

<sup>20</sup> Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates.

<sup>21</sup> [Document CC 80/3](#), Board of ITC–ILO, 80th Session, Oct. 2017.

<sup>22</sup> *ibid.*

**Draft decision**

31. *The Governing Body requests the Director-General to take account of its guidance regarding the implementation of the strategy for Outcome 2 of the Programme and Budget for 2016–17, in order to inform the implementation of Outcome 2 of the next programme and budget.*