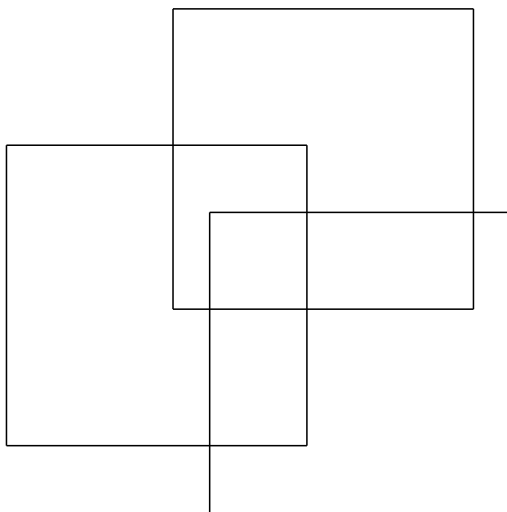




## **Final report of the discussion**

**Global Dialogue Forum on Employment Relationships in  
Telecommunications Services and in the Call Centre Industry**  
(Geneva, 27–28 October 2015)





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**GDFERTI/2015/10**

INTERNATIONAL LABOUR ORGANIZATION

**Sectoral Policies Department**

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Geneva, 2016

INTERNATIONAL LABOUR OFFICE, GENEVA

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## Contents Table

	<i>Page</i>
Introduction .....	1
Discussion point 1: What challenges do governments and the social partners face in addressing employment relationships in telecommunications services and call centres? .....	4
Discussion point 2: How might social dialogue contribute to improving the work environment in telecommunications services and call centres? .....	7
Discussion point 3: What recommendations would you make for future action by the International Labour Organization and its Members regarding employment relationships in telecommunications services and call centres? .....	11
Discussion of the draft points of consensus and recommendations for future action .....	14
Discussion of the draft points of consensus (GDFERTI/2015/5).....	14
Introduction.....	14
Challenges faced in addressing employment relationships in telecommunications services and call centres.....	15
Contribution of social dialogue to improving telecommunications services and call centre work environments .....	19
Discussion of the Recommendations for future action by the International Labour Organization and its Members (GDFERTI/2015/6).....	21
Pending paragraphs .....	24
Closing statements.....	25
Proposed points for discussion .....	26
Points of consensus .....	27
Introduction.....	27
Challenges faced in addressing employment relationships in telecommunications services and call centres.....	27
Contribution of social dialogue to improving telecommunications services and call centre work environments .....	28
Recommendations for future action by the International Labour Organization and its Members .....	28
List of participants Liste des participants Lista de participantes .....	31



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## Introduction

1. The Global Dialogue Forum on Employment Relationships in Telecommunications Services and in the Call Centre Industry was held at the International Labour Office in Geneva from 27 to 28 October 2015. The Governing Body of the ILO had approved the convening of the Forum and its composition at its 322nd Session (November 2014). The Office had prepared an issues paper and suggested points for discussion, which would serve as a basis for the Forum's deliberations.
2. The purpose of the Forum was to enable the tripartite sectoral constituents to discuss employment relationships in telecommunications services and in the call centre industry with a view to adopting points of consensus that could inform future policy-making and programme development at the international, regional and national levels.
3. The Chairperson of the Forum was Mr Edgars Korcagins (Latvia). The Government group coordinator was Mr Alfred Musimba (Democratic Republic of the Congo). The Employers' and Workers' group coordinators were, respectively, Ms Beverly Jack and Mr Andy Kerr. The Secretary-General of the Forum was Ms Alette van Leur, Director of the Sectoral Policies Department (SECTOR), the Deputy Secretary-General was Mr Akira Isawa, Deputy Director of SECTOR, the Executive Secretary was Mr John Sendanyoye, and the Coordinator of secretariat services was Ms May Mi Than Tun, both also of SECTOR.
4. The Forum was attended by 65 participants, including 29 Government representatives and advisers from 24 member States, as well as 21 Worker and eight Employer participants, and seven observers from international non-governmental organizations (INGOs). Approximately 35 per cent of the participants were female.
5. The Chairperson noted that telecommunications services and call centres were indispensable in today's networked knowledge and service-based economy. Call centres – more broadly now referred to as “contact centres” to reflect the full spectrum of services provided beyond voice-based services – had become a major mechanism through which organizations interacted with customers, clients and the public. Their growth had profoundly transformed the way work was organized, where it was performed and by whom, with significant effects on the nature of the employment relationship, working conditions and human resource management practices. The total worldwide workforce in telecommunications services was estimated to be about 6–7 million. As there was no distinct contact centre industry as such, employment figures in the sector were mainly estimates. Until recent years, the telecommunications industry had had a reputation for relatively secure work, but stable employment relationships had been drastically transformed by structural reforms, liberalization and privatization, as well as increased competition from new entrants, bringing about considerable change. ILO constituents needed to address the challenges raised by changes in employment relationships in order to safeguard the competitiveness, sustainability and decent work needs of vital telecommunications services and the contact centre industry. The purpose of the Forum was therefore to discuss the growing diversification of employment relationships and suggest ways to promote decent work in a rapidly changing competitive landscape in the critically important telecommunications services and the contact centre industry. The Chairperson thanked the Office for a highly informative issues paper, which could serve as a good starting point for an important discussion. He expressed his hope that the Forum would be able to adopt a set of points of consensus based on focused and effective discussions in a tripartite spirit, including proposals for action by governments, by employers' and workers' organizations, and by the ILO that would enhance mutual

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understanding of employment relationships and promote decent and productive work in that sector and industry.

6. The Secretary-General stated that the Forum continued on a common theme, evolving employment relationships and their decent work implications, which had been the specific topic of a number of recent ILO meetings concerning various sectors, including retail commerce, electronics and road transport, as well as a Meeting of Experts on non-standard forms of employment across the entire economy. The outcomes of those meetings provided excellent lessons from which it would be possible to draw and adapt elements relating to the specific situation and needs of workers and enterprises in telecommunications services and the contact centre industry and to inform policy on the way forward. While it was the first time that an ILO sectoral forum addressed the issue of contact centres, ILO constituents' concerns regarding employment and employment relationships in telecommunications services were not new; the Tripartite Meeting on Employment, Employability and Equal Opportunities in the Postal and Telecommunications Services, held in May 2002, had underlined the importance of good labour relations for the sector as well as the workers' right to organize and bargain collectively in addressing common concerns. Social dialogue had been recognized as a critical means of facilitating efforts by the social partners to work together, and with the policy-makers, in a process of sectoral change, and to find solutions to shared problems. Those conclusions as well as those from the more recent ILO meetings on the theme of employment relationships remained highly relevant to the Forum's discussions. She hoped that deliberations would result in useful suggestions for action by both the ILO and its constituents to effectively address the challenges of rapidly evolving employment relationships in the telecommunications services and contact centre industry, both of which were of critical importance to the global technologically-dependent knowledge economy.
  
7. The Executive Secretary presented the Office's issues paper on employment relationships in telecommunications services and in the contact centre industry, which was intended to provide a framework for the Forum's discussion rather than an exhaustive picture of employment relationships in these industries. It provided some background to recent developments in the telecommunications services and contact centre industry and highlighted some of the main features and issues shaping and related to employment relationships and other contractual arrangements. The Introduction defined the term "employment relationship", highlighting the differences between "regular employment" and "non-standard employment". With reference to a quote from the speech of the ILO Director-General to the 2013 International Labour Conference concerning the increase in non-standard forms of employment and the divided views on their impact on decent work for all, the paper confirmed that those points also applied to the telecommunications services and the contact centre industry. Rapid technological and market developments required high levels of flexibility and adaptability in the contact centre workforce. The temporary nature of employment and high turnover rates posed challenges for worker organizations. Section 2 provided an overview of the two industries, their specific characteristics and features, general trends and gender aspects, training and skills development needs, and more specifically, the impact of the 2008 global financial crisis on the industries and the role and employment effects of offshoring and reshoring. Section 3 explored the contact centres' significant use of non-standard forms of employment, especially of temporary and part-time employees and their gender dimension, with women being more likely to be non-standard workers, and employers' reasons for resorting to temporary workers, for example, to meet short-term needs. The issues paper closed with an assessment of the trends in work, work organization and employment relationships, related opportunities and adverse effects, and with a discussion of how unions were attempting to respond to obstacles in organizing and bargaining. Furthermore, it provided examples of how the challenges to effective social dialogue had been overcome at the national level or at the global level between social partners, notably through global framework agreements. The Executive Secretary hoped that discussions would lead to a set of consensus



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recommendations on how to promote employment relationships that best safeguarded decent work in telecommunications services and the contact centre industry while enabling enterprises to become more sustainable.

- 8.** The Employers' group coordinator said that social partners and governments needed to accept the change of business models and employment relationships. In view of current economic realities, business needs and a diverse workforce, it should be recognized that non-standard forms of employment had become the norm and permanent work was no longer a reality. The adaptability and sustainability of enterprises were important in that context, but atypical forms of employment in the telecommunications and contact centre industry also provided opportunities for workers, particularly women and youth, to enter the labour market as a stepping stone to formal employment or to self-employment. The Employers' group recognized the need to protect the rights of vulnerable workers in all forms of employment. It supported promoting productive and freely chosen employment alongside fundamental rights at work, social dialogue and social protection. Effective labour inspection remained essential for adequate protection and ensured fair competition by addressing the detrimental effects of non-compliance. In view of information gaps, additional research and analysis on non-standard forms of employment and innovative practices were needed to ensure protection of workers and sustainable enterprises in well-functioning labour markets. The new and changing demands of future labour markets should not be met with the solutions of the past in addressing different and flexible work arrangements.
- 9.** The Workers' group coordinator said that the telecommunications services and contact centre industry had gone through rapid changes driven by privatization, deregulation, globalization and technological developments. Notably, an increase in outsourcing had led to changes in conditions that were not at all beneficial for workers. While jobs in the sector had once been considered decent, stable, middle-class jobs, non-standard employment arrangements had become the norm and employment in the sector was often perceived as precarious, insecure and poorly paid. In fact, most workers, particularly in contact centres, were confronted with greater job insecurity, fewer benefits and less access to union representation. Moreover, outsourcing and non-standard forms of employment posed substantial challenges to freedom of association and collective bargaining, which were necessary for protecting workers' rights. Workers in such arrangements were less likely to join unions and be covered by collective agreements. The Employers' group was likely to suggest that such new employment arrangements were more flexible and necessary in view of changing business needs, and the Workers' group did not wish to contest such notions or invoke the idea of going back to the "good old days". However, workers should be able to enjoy decent work with legal protections, decent wages and access to freedom of association and collective bargaining, regardless of their conditions and forms of employment. The "new world of work" and new forms of employment relationships required the examination of how better access to freedom of association and collective bargaining could be provided to non-standard and outsourced workers. The Workers' group hoped that the Forum would provide some areas of agreement on the needs for decent work and access to fundamental rights at work for workers in the sector.
- 10.** The Government group coordinator said that the Government group would support consensus building on employment relationships in the telecommunications services and contact centre industry with a focus on improving conditions for workers. Too often, decent work deficits were observed, with some practices in the sector amounting to modern day slavery. Occupational health hazards and the absence of regulations on working hours were of particular concern. Contact centres mainly operated on a 24-hour basis every day, involving work at night, weekends and public holidays, and daily hours of work were often well beyond the eight-hour standard. Training and outsourcing were issues of concern to the Government group, as was employment security. Contract and so-called "independent" workers, who were actually dependent, experienced less

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favourable conditions than normal employees. There was a need to ensure a common understanding on how to improve working conditions in the sector, including with regard to working time. The points of consensus of the Forum should inform policy development.

## **Discussion point 1: What challenges do governments and the social partners face in addressing employment relationships in telecommunications services and call centres?**

11. The Executive Secretary introduced discussion point 1 which provided an opportunity to exchange information and to learn about the participants' challenges in tackling the issues in employment relationships in the telecommunications services and contact centres at national or enterprise level.
12. The Workers' group coordinator said that the main priority for his group was the issue of freedom of association. The Workers' group was not criticizing the need for changes in work organization as such, but was concerned by work standards. Standards were too flexible in some areas, providing no guarantees for workers, particularly in contact centres. Developments in the sector could be characterized as a "race to the bottom" with regard to labour standards. The Workers' group did not believe that employers were alone responsible. However, improving basic standards of employment would be beneficial for both employers and workers.
13. A Worker participant from Germany described the current situation in the telecommunications services and contact centre industry in his country and the related challenges for workers. The significant loss of job security was of major concern, particularly in the contact centre subsector. While contact centres were becoming increasingly important in Germany in generating employment, jobs were not secure. He expressed his regret that there were no Government or Employer participants from Germany attending the Forum, as it would have been a good opportunity to discuss the situation in his country. The issues paper reported an estimated 520,000 employees in the contact centre industry in Germany, which represented a significant share of employment and a high concentration of workers. Challenges in his country included the lack of coverage by collective agreements in contact centres to address the generally low wage levels. He appreciated the introduction of a legal minimum wage of €8.50 per hour, which had come into force in January 2015, given that contact centre workers had previously been paid at lower rates, at an average of €5–6 per hour. There was a markedly high turnover rate of approximately 25 per cent, high stress levels and a sickness rate that was double that of other industries. In general, there were difficulties in concluding collective agreements with contact centre employers. Accordingly, he hoped that the outcome of the Forum would provide some reference to the importance of collective bargaining.
14. A Worker participant from Morocco said that the contact centre industry in his country comprised more than 60,000 employees. He stressed that progress was linked to social democracy, which could not be achieved without freedom of association. There was a dearth of unionization in the sector due to the fact that, in many contact centres, joining a union was seen as a threat to the company and union members were at high risk of losing their jobs. Governments had the duty and responsibility to protect rights to freedom of association and collective bargaining. The culture of social dialogue remained weak in the sector, evidenced by the lack of sectoral collective agreements; only one call centre employer in his country had accepted to negotiate and conclude a collective agreement. He stressed the need to promote social dialogue and protect the fundamental rights of freedom of association and collective bargaining.

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15. A Worker participant from Senegal acknowledged that the rapid technological advances in the sector implied changes in working procedures. He, however, questioned why that was generally translated into a degradation of the status of workers and their working conditions. Contact centres across the world witnessed problems such as social dumping, insecure work contracts, wage erosion, unfair dismissals and long working hours. Another challenge was the lack of regulation concerning offshoring. The emergence of the contact centre industry in Senegal was a relatively recent development and the Government saw it mainly as an opportunity to reduce unemployment, while the need for regulation of the industry remained vital.
  16. A Worker participant from the Dominican Republic referred to the example of contact centre companies in South and Central America, which were looking for cheap labour to increase their profits by exploiting workers. He reported that in the Dominican Republic, workers were paid less than a third of what they would be paid elsewhere, sometimes less than US\$1 per hour. Furthermore, contact centres operated in tax-free zones where tax exemptions were bound to the obligation on companies to pay better salaries, incentives or other benefits to workers. That obligation was, however, frequently ignored. Labour inspection was very weak, which made it possible for companies to carry out such violations. A problem in that context was that many employers did not have a physical presence in the country; outsourcing was instead transacted online, with no real contracts for the workers involved. Access to collective bargaining was very difficult due to the requirement on unions to represent at least 50 per cent of workers in order to be able to bargain collectively. The fact that no collective agreements existed, not only in his country but in the entire region, showed that social dialogue remained very weak in the sector.
  17. A Worker participant from Brazil said that the problem with contact centres related to the lack of regularization of employment in the entire Latin American region, resulting in lack of security for workers. That made it easy for companies to move from one country to another within a region that used the same language. Companies were moving away from countries with strong trade unions and collective bargaining to those with weak trade union representation and where collective bargaining was non-existent. Brazil also encountered constant relocation of companies, but mainly within the country, probably due to the language. Companies were moving from the wealthier south and south-west to the poorer northern and north-eastern provinces of the country, which had high unemployment and where companies could therefore pay workers lower wages and benefits. For example, one company had moved 1,000 jobs to a rural region of Brazil where they paid workers less than \$1 per hour.
  18. A Worker participant from Denmark said that, while he appreciated the presence of employers at the Forum, he was disappointed that certain large employers' associations had not attended. Dialogue, recognized as indispensable between social partners, had no purpose if only one party participated. In his country, companies had increased outsourcing of their work over the last few decades. For example, a big telecommunications operator in Denmark outsourced most contact centre functions to another company, guaranteeing workers their existing working conditions only for a period of two years. The company moved its workplaces from three major cities in Denmark to a rural area with high unemployment, threatening the jobs of most formal employees who could not follow the company to the rural area. Further plans involved moving its contact centres to London within the next two years. Employees had been told they could keep their jobs if they moved to London, conditional to accepting 25 per cent salary cuts. He also observed that the EU policies focused on market deregulation, while overlooking workers' rights. Employers and governments therefore needed to acknowledge the importance of workers' rights in contact centres and provide them with good working conditions.
  19. A Worker participant from Trinidad and Tobago indicated that the Caribbean region was challenged by the influx of multinational enterprises and their monopolistic approach in

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the telecommunications sector under the guise of competition. Indeed, regulations designed to encourage competitive markets and for competitive advantages based on services provided had instead led to an invasion of contact centres whose employment practices were a serious cause for concern. Major companies were outsourcing permanent contact centre jobs to employment agencies where working conditions were of a lower quality; for example, paying less than half of the standard salaries. Furthermore, occupational safety and health (OSH) issues in contact centres needed to be addressed. Workers reported acoustic shocks from long hours working with headsets. Governments should look carefully into the issue of regulation in the telecommunications sector, and provide workers with proper protection and benefits.

- 20.** The Employers' group secretary, responding to comments from some Worker participants concerning the Employers' representation at the Forum, stressed that members of his group were not there as representatives of individual companies to negotiate with representatives of unions from individual companies, but to represent the general Employer position on the issue under discussion.
- 21.** The Employers' group coordinator reiterated the Employers' recognition of the value of social dialogue and freedom of association, stressing, however, that new ways of engaging workforces in new types of work needed to be considered. Challenges were often created by the way unions functioned – that is, at the sector level. Employee turnover in the sector was another challenge. In order to meaningfully engage with employees, the Forum should take account of how they move through the sector, using it as a stepping stone. Globalization and offshoring were a reality; if a country's legislation and regulation became too restrictive, jobs would be lost and job creation undermined. The key was to find a balance between fair wages and allowing national businesses to be sustainable and competitive. Considering the future of jobs, a proactive approach was needed, particularly in addressing existing skills mismatches. Although an increase in technical vocational education and training (TVET) had been observed, it often did not cover the contact centre environment. Governments needed to work with social partners to ensure effective equilibrium between labour market supply and demand. Labour inspection and enforcement needed to be effective. An effective regulatory environment should cover non-standard forms of employment and provide guarantees of fundamental rights and basic conditions of employment. More research and methodologies for generating sound data were needed as a basis for informed policies and strategies such as, for example, measures to effectively address OSH issues, including increased absenteeism. Minimum wages and the internationalization of the sector were factors contributing to the movement of companies between different countries. A balance needed to be found to enable the creation of jobs in individual countries and ensure fair protection of workers globally.
- 22.** The Government group coordinator reiterated the importance of the following issues: regulating the sector and protecting workers, ensuring that working conditions were decent; gender aspects, addressing the varying needs of both women and men at work; hours of work, including night and day work; collective agreements; outsourcing; and social dialogue. He reaffirmed the Government group's readiness to focus on priority issues and their support for ensuring consensus.
- 23.** The representative of the Government of Brazil said that her country did not face problems regarding non-standard forms of employment in the sector, as employment in contact centres in Brazil was in the form of regular jobs, with working hours limited to six hours per day. Furthermore, offshoring was not an issue in her country, mainly because of the language, but outsourcing did occur within the country. Outsourcing occurred in effective ways and was covered by different collective contracts for the same types of jobs, ensuring equal conditions for employees in outsourced companies. However, workers in the sector did face representation problems. A challenge in Brazil was high staff turnover rates whereby 75 per cent of employees stayed less than a year in the same company, and in

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many, staff turnover was at 100 per cent. She updated the figures provided in the issues paper for 2013, indicating that Brazil had 300,000 employees in the sector in 2013, and reporting that more recent official statistics showed 400,000 employees.

24. The representative of the Government of Mauritania stated that his country's telecommunications services were well structured, with labour inspectors having easy access throughout the sector to ensure regulatory compliance. However, the contact centre sector had emerged before an appropriate regulatory framework had been put in place and the real situation of conditions in outsourced work and the recruitment of unregistered workers in this sector that interfaced between formal and informal employment, were only now beginning to be realized. His Government had to be careful in how it addressed the challenges in contact centres, harnessing social dialogue in the development of appropriate regulation to achieve a balance between diverging interests, as outright prohibition of outsourcing would lead to loss of employment opportunities. ILO support would be critical in that respect.
25. A representative of the Government of the Democratic Republic of the Congo said that regulations were in place but that there were problems with the implementation of the Labour Inspection Convention, 1947 (No. 81). Lack of resources for labour inspectorates was a problem, preventing labour inspectors from inspecting conditions of work in companies that were often far from city centres. The conclusions of the Forum should address labour inspection, which was the main means of control. If inspectorates had insufficient resources to carry out their work, labour regulations could not be effective.
26. The Workers' group coordinator clarified that his group had not intended to question the representativeness of their Employer counterparts, but were simply expressing disappointment at the absence of certain enterprises and governments.
27. The Employers' group secretary noted that his group was necessarily limited by the number of its representatives that could be invited to attend. As a result of those limitations, rather than representatives of individual enterprises, his group consisted of representatives from organizations of employers, which provided a better representation of the overall sector.
28. The Employers' group coordinator emphasized enterprises' need for enabling environments in which they could function and remain competitive. Given that the ultimate goal of all three parties was to combat unemployment and create jobs, effective regulation was critical. The role of governments was to assist in creating compliant employment environments through labour inspection, and finding a balance between incentive and punitive measures. They should also promote equality and non-discrimination to protect all workers regardless of their contractual arrangements.
29. The Government group coordinator requested further information regarding the mechanisms that the Workers wished to develop for the promotion of dialogue among social partners. Such information could help governments to develop regulations and implement them with regard to workers' expectations.

## **Discussion point 2: How might social dialogue contribute to improving the work environment in telecommunications services and call centres?**

30. The Executive Secretary introduced the second point for discussion, which was at the heart of the business of the Forum. For social dialogue to work, participants should be free and

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willing participants. Labour market trends were leading to fragmentation and highly vulnerable employment relationships. In such conditions, unions faced increasing difficulties in organizing workers. It was therefore important to engage employers and workers in a practical way in order to reach sustainable solutions.

31. The Employers' group coordinator emphasized that social dialogue was indeed at the heart of the matter, taking place through tripartite, bipartite, business-to-business, and employer and employee relationships, and that it enhanced industrial relations.
32. An Employer participant from Malaysia said that his organization encouraged employees to take up any of their issues with management. In particular, his organization encouraged the use of internal social media to contact management, enabling it to react rapidly to any problem.
33. The Employers' group coordinator pointed out that many Employer representatives came to the Forum wearing two hats, also as employees of telecommunications enterprises. A common platform needed to be developed where the views of each of the constituencies could be made clear. Structured engagements with different touchpoints could further social dialogue, and collecting information on the state of affairs in a particular sector or industry could make such engagements meaningful. Where relevant, regulators should be involved in the process.
34. Another Employer participant from Malaysia said that while social dialogue between employers and unions was very important, certain issues could not be resolved by the employer alone; governments and telecommunications regulators should also be involved.
35. The Employers' group coordinator acknowledged that staff turnover in the sector indeed posed a major challenge for union organization. Social dialogue could be enhanced if employers sought to engage with workers to create a sense of belonging and promote greater harmony.
36. An Employer participant from Nigeria recounted how his firm had helped to promote social dialogue through the organization of "roadshows" where the CEO and management travelled around the country to meet with employee groups, including contact centre representatives, and listened to their concerns. The initiative had fostered a sense of belonging in the organization, and increased employee engagement.
37. The Employers' group coordinator said that workplace forums and committees provided transparent input from employees on issues relating to OSH, equity and skills development, among others.
38. The Workers' group coordinator underlined that the most important prerequisites for social dialogue were freedom of association and the right to collective bargaining. These elements were the most widely recognized by countries, as they enabled workers to negotiate key terms of employment. Because workers in non-standard forms of employment struggled to exercise those rights, governments should consider ways to increase access to sector-wide union representation and collective bargaining. ILO Issue Brief No. 1, *Labour Relations and Collective Bargaining* (October 2015),<sup>1</sup> revealed a decline in global collective bargaining, in a move towards bargaining at the enterprise level, sometimes at the insistence of such institutions as the International Monetary Fund and the World Bank. As a result, workers in non-standard forms of employment were put

<sup>1</sup> ILO Issue Brief No. 1, *Labour Relations and Collective Bargaining* (October 2015), available at: [www.ilo.org/public/english/iira/pdf/labourrelations.pdf](http://www.ilo.org/public/english/iira/pdf/labourrelations.pdf).

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in increasingly precarious situations. The brief highlighted the major role of governments in ensuring and strengthening collective bargaining through various mechanisms at the local, regional and global levels. Global collective bargaining was an important form of social dialogue that should be encouraged by the ILO. While he welcomed the importance placed on social dialogue by the Employer's group, social dialogue through social media was not likely to provide a sustainable solution to the problems at hand. While he agreed that governments and regulators should be involved in social dialogue, unions were also an essential part of the equation. Freedom of association, as enshrined in ILO Conventions, needed to be strengthened by devising solutions to ensure adherence to those Conventions and to protect workers from anti-union discrimination.

- 39.** A Worker participant from Belgium acknowledged the need for social dialogue on flexibility in the sector, with a view to the development of a framework that would be advantageous for all concerned in terms of productivity, improved customer service and a decrease in employee turnover. The sector contained a variety of stakeholders, including traditional employers, outsourcing companies and temporary employment agencies. There should be no discrimination between workers in different forms of employment and all should have the right to participate in social dialogue. Thought should be given to developing and implementing regulations that were sufficiently binding and would be more than mere statements of good intentions. One option might be to develop a charter with the support of the relevant ministries.
- 40.** A Worker participant from the United Kingdom said that the key concern for many companies and customers in the industry was the quality of customer service, which was generally perceived as extremely poor. There was a clear link between poor service and low salaries and status, instability, high churn and poor working conditions. Genuine collective bargaining, leading to improved conditions and lower churn, could in turn improve customer service and, therefore, performance and profits. In reality, however, the trend was that of a race to the bottom, where decent employers were undermined by the unscrupulous few. Sector-wide standards could protect good employers from that minority.
- 41.** A Worker participant from Morocco recalled that four Tunisian associations had received the Nobel Peace Prize for their decisive contribution to stability and transition in the country. Those associations included the Tunisian General Labour Union and the Tunisian Confederation of Industry, Trade and Handicrafts. The strength of Tunisia's representative organizations had made transition to democracy possible. History had shown, time and again, that free social dialogue was essential and the best means of promoting progress and stability worldwide.
- 42.** A Worker participant from Sweden indicated that the majority of the workers in Sweden were covered by collective agreements; there was a tradition of high levels of union membership, especially in contact centres, which had high levels of elected representatives. That had been made possible through strong partnerships in the Swedish labour market. In telecommunications services and in the contact centre industry, collective agreements covered all workers regardless of whether they were union members or of their employment status. The sector faced challenges from low wages, high staff turnover and extensive part-time work arrangements, but were it not for its strong collective agreements, the problems would be many more.
- 43.** A Worker participant from Brazil, noting that collective agreements in her country covered all workers, regardless of whether or not they were union members, reported on a campaign in her country calling on employers and the authorities to negotiate for a single national collective agreement for a uniform minimum wage and benefits for all workers regardless of their employment status, instead of the current enterprise- or state-level agreements. The campaign had proved highly motivating for workers.

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44. A Worker participant from Germany believed competitiveness should not be only about customer satisfaction but also about working conditions. Social dialogue offered solutions towards creating good working conditions. In his country, as was usual, there had been considerable standardization of technical parameters to measure quantitative aspects of operations in the industry, but social standards remained weak. There should be mandatory standards in such areas as OSH, with a view to promoting healthy work environments and reducing absenteeism. Furthermore, customer satisfaction was achieved by well-trained and motivated workers. Accordingly, social dialogue was important both at the national and industry levels.
45. The Government group coordinator considered social dialogue the primary means of communication on which to build the foundation for improved working conditions and compliance with ILO standards. Without it, collective agreements were difficult to achieve or to implement. Indeed, both the February 2015 ILO Tripartite Meeting of Experts on Non-Standard Forms of Employment, and the December 2013 meeting on private compliance initiatives had concluded that social dialogue was the most effective way of developing good working conditions and regulations in that regard. In its discussions, the Forum should draw from the conclusions of the February 2015 Tripartite Meeting of Experts on Non-Standard Forms of Employment.
46. The representative of the Government of Brazil underlined governments' double role of both regulating and promoting social dialogue. In her country, social dialogue had proved even more effective than regulation and inspection in the sector. A round table, set up in March 2015 and bringing together trade unions, most companies in the sector and the federation of contact centre workers, had undertaken discussions over the following six months on how to improve working conditions. The sixth meeting of the round table would be held the following week to draft a text which might be used as a basis for a collective agreement. Over the previous five years, labour inspection in the sector had encountered a number of problems, including instances of moral and psychological harassment, which had led the Government to take action. Although the round table had as yet to produce any outputs, it was encouraging to see employers and workers addressing these issues jointly.
47. The representative of the Government of the Philippines said that social dialogue was an important means of addressing such sector-specific issues as talent retention, skills development and OSH in her country, which had become a major destination for business process outsourcing, creating significant employment opportunities. A tripartite council, set up to promote good sectoral-level industrial relations, had drafted a voluntary code of practice which included basic information on OSH and labour standards, and sought to help workers and the industry as a whole to improve working conditions.
48. The representative of the Government of Malaysia reported that his country had its own labour mechanism council, providing a platform for tripartite engagement on labour matters. Such organizations as the Employee Provident Fund engaged in tripartite social dialogue, recognizing its importance. He welcomed the Employers' invitation to participate in social dialogue at the enterprise level. His Government would always be open and willing to engage in dialogue to promote the implementation of labour laws.
49. A representative of the Government of the Democratic Republic of the Congo stated that a sectoral advisory committee had been created in his country in 2008 and met on a bimonthly basis. It had been found that many workers in the sector did not have contracts or were working informally. The Ministry of Labour was stepping up inspections, and the Government had prohibited subcontracting to protect workers from exploitation through such processes.
50. The representative of the Government of Belgium highlighted varied working conditions in her country's contact centres. When provided in-house, the enterprise was responsible for



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dealing with internal issues. In the case of subcontractors, workers referred their issues to external committees, which were more complicated to deal with. Her Government sought to extend agreements on working conditions and minimum wage levels to all workers in the sector, focusing particularly on the well-being of workers, who were often subject to stress, having to meet quotas, or to carry out a number of tasks in inflexible conditions. Accordingly, her Government had developed more protective standards to ensure that minimum conditions of well-being were met.

51. The Chairperson reported on a recent seminar in his country, Latvia, which had brought together trade unions and state labour inspectors to discuss, especially, working conditions, occupational risks, and the implementation of OSH standards in contact centres. The seminar had attracted such a level of interest that it had been oversubscribed.
52. The Employers' group coordinator wished to clarify that in inviting governments to participate in social dialogue, worker participation was taken as a given. The conclusions of the February 2015 Tripartite Meeting of Experts on Non-Standard Forms of Employment were particularly relevant to ensuring freedom of association and collective bargaining, in encouraging governments, employers and workers to use social dialogue to develop innovative approaches, including regulatory initiatives that enabled workers in non-standard forms of employment to exercise their rights and enjoy the protection afforded to them under the applicable collective agreements. The challenges in the sector posed problems for the exercise of freedom of association, and she hoped that the Forum would help participants find solutions to give workers in the sector access to their rights. A pilot project had been run in South Africa in which business organizations had been working with trade unions to encourage workers, and young workers in particular, to join trade unions, as well as giving trade unions free access to employers' premises. In her organization, the project had had good results in consolidating freedom of association. It should be noted that non-compliant employers who created an uneven playing field, rather than compliant employers, were the problem. They should be called upon to create decent working environments and provide adequate protection.
53. The Workers' group coordinator concurred with his Employer counterpart; his group did not mean to attack employers as a group; the problem was created by enterprises that did not comply with ILO Conventions and national legislation. Governments should do more to support trade unions and compliant employers.
54. The Government group coordinator stated that governments wanted to support the social partners in improving working conditions. It was in the interest of any government to promote social dialogue and, therefore, business success. Labour inspection had a role to play in order to achieve that objective and to eliminate anti-union discrimination and violations of freedom of association.

### **Discussion point 3: What recommendations would you make for future action by the International Labour Organization and its Members regarding employment relationships in telecommunications services and call centres?**

55. The Chairperson invited comments on discussion point 3.
56. The Workers' group coordinator introduced three main points: first, collective bargaining and freedom of association; second, tripartite social dialogue to develop minimum

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standards for contact centres, drawn from the example presented by the representative of the Government of Brazil in the previous discussion; and third, a clear recommendation in support of global framework agreements. Social dialogue was the most important tool for promoting decent work and improving conditions for workers in telecommunications services and contact centres. For the Workers' group, collective bargaining was the most decisive and useful form of social dialogue, as it allowed employees to negotiate their terms and conditions directly with the employers. Union representation and collective bargaining coverage had been on the decline for most workers in the sector, particularly those in non-standard forms of employment. Therefore, they agreed with the recommendation of the February 2015 Tripartite Meeting of Experts on Non-Standard Forms of Employment on ensuring access to freedom of association and collective bargaining, including the promotion of effective bargaining systems and mechanisms to determine the relevant employers for the purpose of collective bargaining, particularly relevant with regard to outsourced work and where agency work was involved. The ILO should look at and address possible barriers to freedom of association and collective bargaining in order to enhance the ability of workers in non-standard forms of employment. The recent ILO Issue Brief No. 1, *Labour Relations and Collective Bargaining*, had pointed in the right direction by clearly emphasizing the need for inclusive collective bargaining and concluding that government policies had a key role to play in supporting inclusive bargaining. Public policies needed to shore up collective bargaining and enhance their coverage and inclusion, including multi-employer bargaining, sectoral bargaining and national agreements. The Office should carry out more research on multi-employer collective bargaining, specifically for the contact centre sector, and assist constituents in promoting multi-employer bargaining for contact centres. Secondly, with reference to the experience shared by the Brazilian Government, the Workers' group suggested that governments consider initiating tripartite social dialogue to develop minimum standards for contact centre operations. Examples that could be built upon in developing global minimum standards for the sector included the UNI Global Union Call Centre Charter<sup>2</sup> and the European Union (EU) voluntary set of standards. Thirdly, they recommended the ILO should endorse global framework agreements as an important form of global social dialogue and as a way to enhance workers' fundamental rights, including the right to freedom of association and collective bargaining.

57. The Employers' group coordinator emphasized that data should be at the heart of addressing the issues discussed. The ILO should focus on collecting data and standardizing data definitions for comparability. For example, the ongoing revision of the International Classification of Status of Employment (ICSE-93) would allow tracking part-time, temporary and other non-standard forms of employment. It was important to study the evolution in the labour market in telecommunications services and contact centres, and to develop appropriate definitions for statistical purposes and measure their significance, so that policy considerations in the sector were based on sound and unbiased information. Improved data also offered opportunities for assessing ways to attract more women into the telecommunications services sector and were an essential resource for national constituents. Governments should actively contribute to the process of collecting sound data on labour market trends. The second recommendation concerned the need to strengthen labour inspectorates through capacity building, including training for inspectors, development of guidelines and clear inspection methodologies, and the strategic use of information and communication technologies to increase the effectiveness of labour inspection. In addition, increased efforts were needed to build the capacity of constituents and to enhance national competences on how to develop and use OSH knowledge and information, to develop effective prevention policies and strategies and OSH management systems and programmes. Thirdly, ILO should facilitate the sharing of good practices

<sup>2</sup> [www.uniglobalunion.org/publications/uni-global-union-call-centre-charter](http://www.uniglobalunion.org/publications/uni-global-union-call-centre-charter).

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among member States and social partners in the sector, notably on OSH and labour inspection. Finally, monitoring and evaluation were important for observing trends and assessing the impact of policies and strategies. In the context of rapid changes in the sector, it was critical to anticipate future skills and training needs, and to analyse the attitudes of “Generation Y”<sup>3</sup> regarding the work in the sector.

- 58.** The Government group coordinator observed with satisfaction a rapprochement between the views expressed by the Workers’ and Employers’ groups in the course of the discussion. Governments proposed recommendations built on the conclusions of the February 2015 Tripartite Meeting of Experts on Non-Standard Forms of Employment. The recommendations for future action under paragraph 8 of those conclusions were very relevant, but needed some adaptation to telecommunications services and contact centres as they were addressing non-standard forms of employment in general. With regard to subparagraph 8(a), for example, the wording “in the telecommunications services and call centre sector” should be inserted at the end of the first sentence. Subparagraphs 8(b) and (c) should be merged into a single point with the purpose of enhancing the notion of better use of labour standards in the sector. Subparagraph 8(d) should be reworded to stress the right to freedom of association because without that right it was very difficult for workers to express themselves on aspects concerning their conditions of work. The first part of subparagraph 8(e) should be changed to: “Research, analyse and disseminate information on practices in collective bargaining and social dialogue as well as freedom of association, which contribute to decent working conditions for workers in non-standard forms of employment in the telecommunications and call centre sector”, while the second part should be deleted. Subparagraph 8(f) should be rephrased to take into account various other parts of the recommendations. Further, he encouraged the Office to map the various forms of employment relationships in the telecommunications services and contact centre sector at country level to support the application of the recommendations. The Office should also take account of aspects raised in the previous discussions, such as on hours of work.
- 59.** The representative from the Government of Brazil shared examples of tripartite dialogue among the Government, unions and employers in her country. There had been positive experiences with the initiative to invite contact centre contractors into the social dialogue process. That had facilitated access to numerous contracts within contact centre companies, an important step forward, as many of the details and guidelines on working standards were laid down in those contracts. Hence, it had been possible to ascertain whether contracts were compliant with the standards. Based on this good experience, she recommended including relevant stakeholders in social dialogue round tables; a so-called “tripartite plus” social dialogue process.
- 60.** The representative of the Government of Mauritania expanded on and summarized the comments made by the Government group coordinator, highlighting four main recommendations. Paragraph 8(b) and (c) should be merged, as they both pertained to examining and promoting instruments. Subparagraph (e) should emphasize freedom of association as the key aspect, which was not mentioned in the other recommendations of paragraph 8. With regard to the first sentence, it had been suggested that research was to be updated. Further adaptation required that all these recommendations reference the telecommunications services and contact centre sector.
- 61.** The representative of the Government of Algeria commented on subparagraph 8(f), proposing deleting part of the text that followed the sentence concerning support for

<sup>3</sup> Generation Y: generation of people born in the 1980s and early 1990s. Source: [www.businessdictionary.com/definition/Generation-Y.html](http://www.businessdictionary.com/definition/Generation-Y.html).

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member States, as this was confusing. The second sentence could read: “Support member States to strengthen labour inspection with regard to non-standard forms of employment”, and the rest of the subparagraph should be deleted.

62. The representative of the Government of Mauritania expressed his concern that his country, due to very limited resources, needed urgent help and support to strengthen labour inspection. He suggested that the Government group should meet after the plenary session to continue the discussion on the remaining recommendations.
63. In response, the representative of the Government of Algeria clarified that she was not proposing to delete the part of the text mentioning the support for member States, but that it would instead say: “support member States to improve labour inspections”.

## **Discussion of the draft points of consensus and recommendations for future action**

64. At the closing plenary session, the Forum considered documents GDFERTI/2015/5 and GDFERTI/2015/6, which contained the suggested points of consensus and recommendations for future action drafted by the Office on the basis of the plenary discussions, and discussed amendments point by point.

### **Discussion of the draft points of consensus (GDFERTI/2015/5)**

#### ***Introduction***

65. The Employers’ group coordinator proposed replacing “technology-dependent” in the first paragraph with “technology-driven” and to delete the words at the end of the sentence: “for women, youth and other categories of workers in many countries”.
66. The Government group coordinator proposed amending the end of the last sentence to read: “for all categories of workers, particularly women and youth”, considering it important to underline those two categories as being particularly represented in the sector.
67. The Workers’ group coordinator supported the amendments made by the Employers, but preferred the initial text to the Government group’s proposal.
68. The Government group coordinator accepted the wording proposed by the Employers and agreed to by the Workers, noting that the paragraph was most relevant to them.
69. The Employers’ group coordinator agreed that, while the terms were commonly interchangeable, her group preferred “call centres” because it meant more to people than “contact centres”.
70. The Workers’ group coordinator preferred the term “contact centres” because of the increasing use of other forms of contact, such as chat and email, in addition to call and voice services. The distinction would become increasingly relevant in the future. However, he agreed with the Employers’ argument that for the time being “contact centres” was less common.
71. The Government group coordinator supported the terminological proposal by the Employers but noted a problem in the translation into French.

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72. The representative of the Government of Chile said that the Spanish version was restrictive because it referred only to call centres. He suggested changing the terminology by saying “contact centres, including call centres”.
73. The Forum adopted the paragraph as amended, on the understanding that any issues in the French and Spanish versions would be cleared up by the secretariat.
74. The Workers’ group coordinator proposed deleting the words “opportunities for” in the first sentence of the second paragraph and adding the words “and promoted” at the end of the second sentence.
75. The Employers’ group coordinator said that, in keeping with previously agreed terminology, the reference to “decent and productive employment” be replaced with “decent and productive work” throughout the document. She also requested replacing references to “the industries” with “the industry” when referring to the sector under discussion, deleting “Towards this end” at the beginning of the second sentence, and adding “ratified” before “international labour standards”. At the end of the last sentence, the words “where they exist” should be added.
76. The Government group coordinator proposed adding the words “and other unfair labour practices” after “high turnover rates” with the addition of “where they exist” as proposed by the Employers above.
77. The Employers’ group secretary emphasized that since his group did not support all ILO Conventions they could not co-sign a document that bound them to respect all international labour standards. All enterprises did, however, have a duty to respect the laws of the country in which they operated, hence the insertion of the word “ratified”. However, in consideration of the Workers’ concerns, he proposed the further insertion of the words “fundamental principles and rights at work and” before “all ratified Conventions”.
78. The Forum adopted paragraph 2 as amended.

### ***Challenges faced in addressing employment relationships in telecommunications services and call centres***

79. The Employers’ group coordinator proposed adding “In some countries” at the beginning of the first sentence of the third paragraph; deleting the word “key”; inserting “comprise of” before “gaps”, and replacing the words “restrictions on” with “possible barriers to”.
80. The Workers’ group coordinator accepted the Employers’ proposals but preferred “many countries” to “some countries”.
81. The representative of the Government of Brazil proposed new wording for the entire paragraph as follows:

Key decent work challenges in the industry comprise absence or gaps in the regulatory framework, the weakness of social dialogue and collective bargaining, fragmentation of union representation and restriction of freedom of association. Due to globalization and other factors, non-standard forms of employment have grown extensively, including at the telecommunications and call centre sectors. Although they have assisted business adaptability and growth, in this specific sector, they pose problems for workers’ protection and the effective realization of freedom of association and collective bargaining rights.

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- 82.** The representative of the Government of Mauritania explained that the Governments' proposed amendments sought to focus on countries without a regulatory framework. Secondly, social dialogue was a generic concept and governments wished to add a specific reference to collective bargaining, to stress the problem of "fragmentation of trade union representation", and to remove the references to advantages from a paragraph concerned with the challenges in the sector. If the advantages were included in that section, positive aspects should also be included in subsequent sections, for example, when referring to labour inspection. Deleting references to advantages should not be seen as a criticism of employers, in the same way that admitting that labour inspection should be reinforced was not understood as an attack against governments. Lastly, the use of the term "may" in the last sentence was not appropriate, given that non-standard forms of employment already posed problems.
- 83.** The Employers' group secretary said that, as a document agreed on by the tripartite groups, it was important to be able to recognize the positive aspects of non-standard forms of employment. When adopting documents, such as points of consensus, there was a tradition within the ILO of seeking to establish a balance between advantages and disadvantages, so that an external audience could have a full and balanced, not only negative, view of the topic.
- 84.** The Workers' group coordinator said that his group could accept the new wording proposed by the Governments or the original wording, as amended by the Employers, but requested the addition of a sentence lifted from point 7(f) of the conclusions of the February 2015 Tripartite Meeting of Experts on Non-Standard Forms of Employment at the end of the paragraph. The sentence read: "Governments, employers, and workers should use social dialogue to develop innovative approaches, including regulatory initiatives that enable workers in non-standard forms of employment to exercise these rights and enjoy the protection afforded to them under the applicable collective agreements."
- 85.** The Employers' group coordinator accepted the Workers' proposal in principle, but considered that the paragraph about challenges was not the right place to include a recommendation. She suggested that it could be considered in the section "Contribution of social dialogue to improving telecommunications services and call centre work environments". However, her group could not accept the global changes proposed by the Government group.
- 86.** The representative of the Government of Brazil suggested that the Employers' concerns regarding the deletion of positive aspects in the paragraph could be addressed through the following phrase: "They have assisted business adaptability and growth while offering options for balancing work and private life."
- 87.** The Employers' group coordinator said that her group would like the paragraph to start with the phrase: "In a number of countries, decent work challenges ...". Furthermore, "absence" was synonymous with "gaps" and therefore redundant. Lastly, she pointed out that paragraph 11 of the issues paper referred to declining representation, rather than fragmentation.
- 88.** The Workers' group coordinator said that, while he agreed with the counterproposal by the Employers, his group could not accept the wording proposed by the representative of the Government of Brazil, and proposed the alternative wording: "They have assisted business adaptability and growth. Well-regulated and freely chosen non-standard forms of employment can offer options for balancing work and private life. Non-standard forms of employment pose problems ...".

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89. The Employers' group coordinator requested a return to the original wording in the last sentence to read: "they may pose problems".
  90. The adviser to the representative of the Government of Brazil noted that the term "fragmentation" referred to paragraph 13 of the issues paper. The temporary nature of employment and high rates of staff turnover could pose problems for trade union organization. The Brazilian delegation regarded the ability of workers to organize as one of the most important challenges in the sector and wanted it to be recognized as such.
  91. The Workers' group coordinator said that, while he agreed with the sentiment, the amended last sentence made referencing the problem of fragmentation unnecessary.
  92. The adviser to the representative of the Government of Brazil believed the last sentence would not properly capture the challenges identified. He would propose new wording at a later stage.
  93. The Workers' group coordinator proposed inserting the words "union organizing" after "workers' protection" in the final sentence.
  94. The Forum adopted paragraph 3 as amended.
  95. The Workers' group coordinator suggested deleting "and new ways of worker organizing" from the first sentence of paragraph 4.
  96. The Employers' group coordinator proposed inserting "social partners and policy makers to consider" before "innovative approaches" and removing the reference at the end of the sentence. The Employers agreed with the Workers' proposal.
  97. The Employers' group coordinator further proposed replacing "the labour protection they are due" with "their fundamental rights".
  98. The Workers' group coordinator could not support the Employers' proposal, given that labour protection referred to more than fundamental rights. Labour protection was needed in order to address the decent work deficits outlined in paragraph 6 of the conclusions of the February 2015 Tripartite Meeting of Experts on Non-standard forms of Employment.
  99. The adviser to the representative of the Government of Brazil proposed replacing "policy-makers" with "governments" for greater clarity.
  100. The Forum adopted paragraph 4 as amended.
  101. The Government group coordinator requested the Office to provide further information on the points from the Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives (Geneva, 10–12 December 2013) referred to in paragraph 5.
  102. The Chairperson suggested that the Office could share the conclusions, which had already been endorsed by the Governing Body, with the Forum participants after the meeting.
  103. The representative of the Government of Poland proposed that information relating to the conclusions could be included as a footnote under paragraph 7.
  104. The Forum adopted paragraph 5.
  105. The Workers' group coordinator suggested adding "either not regulated or are" to the first sentence of paragraph 6, and replacing the word "often" in the last sentence with "is"

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undertaken”, and “can pose” and “could” in the second to last sentence to “poses” and “does”, respectively.

- 106.** The Employers’ group coordinator proposed adding “with national laws” after “non-compliant” and deleting the remainder of the first sentence to make it simpler.
- 107.** The adviser to the representative of the Government of Brazil felt the wording on relocation raised concern because it implied it always led to social dumping and a race to the bottom. In some cases, relocation provided opportunities, and that should be made clear in the text.
- 108.** The Workers’ group coordinator said that, in that light, he would be happy to return to the original wording at the end of the paragraph.
- 109.** The Employers’ group coordinator suggested adding “when” before “relocation” in the last sentence of the paragraph, which would then read: “When relocation of work from one country to another or from one region of a country to another is undertaken to take advantage of less protective labour regulations and lower labour costs, it can pose a concern as it could lead to social dumping and a race ...”.
- 110.** The Government group coordinator excused himself from the meeting and thanked the Government group for the confidence it had placed in him by appointing him group coordinator. His role as coordinator would be assumed by the representative of the Government of Chile.
- 111.** The adviser to the representative of the Government of Brazil asked to delete the second half of the last sentence of the paragraph, starting from “in this regard ...”. The rest of the sentence repeated what had come before and placed undue emphasis on government regulation.
- 112.** The Employers’ group coordinator said that her group wished to keep the second half of the sentence, only deleting “in this regard”.
- 113.** The Forum adopted paragraph 6 as amended.
- 114.** The Workers’ group coordinator asked to change “can be” to “are” in paragraph 7.
- 115.** The Government group coordinator said that the Workers’ proposed amendment was too strong and proposed adding “as appropriate” to the end of the sentence.
- 116.** The Workers’ group coordinator said that the new sentence did not make sense language-wise and it was agreed that “where appropriate” should be removed.
- 117.** Regarding the proposal to add a footnote at this point, the adviser to the representative of the Government of Brazil said that he did not think that it would be particularly relevant in the paragraph.
- 118.** The Forum adopted paragraph 7 as amended, paragraph 8 as amended by the Employers’ global amendment and paragraph 9 without amendments.



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## ***Contribution of social dialogue to improving telecommunications services and call centre work environments***

- 119.** The Workers' group coordinator asked to use the text from the conclusions of the February 2015 Tripartite Meeting of Experts on Non-Standard Forms of Employment that had been proposed earlier to form a new paragraph 9bis. He also proposed two amendments to paragraph 10: to replace "employer–employee engagement" with "engagement of the social partners", and to replace "can be valuable" with "is essential".
- 120.** The Employers' group coordinator asked to delete the whole of the third sentence as social dialogue and collective bargaining happened at the enterprise level.
- 121.** The Government group coordinator said that his group saw no need to mention competitiveness in the last sentence and proposed to delete it.
- 122.** The Workers' group coordinator agreed that the language in the last sentence could be improved, but rather than deleting it, he proposed replacing "global social dialogue" with "international framework agreements".
- 123.** The Employers' group coordinator suggested the alternative wording: "International framework agreements and voluntary initiatives between unions and telecommunications services enterprises can be valuable." She also proposed the deletion of the last sentence of the paragraph.
- 124.** The Workers' group coordinator said that he did not agree with including the words "voluntary initiatives", given that all international framework agreements were voluntary. He also proposed adding "in improving working conditions" after "can be valuable". He supported the deletion of the end of the sentence.
- 125.** The Employers' group secretary observed that while international framework agreements were now voluntary, who could tell whether they might not become compulsory in the future. That was why the Employers' group wanted to keep the words "voluntary initiatives". He, however, suggested the alternative: "International framework agreements and other voluntary initiatives between unions and telecommunications services enterprises can be valuable in improving working conditions."
- 126.** The Workers' group coordinator proposed simplifying it to: "International framework agreements as voluntary initiatives ...".
- 127.** The Forum agreed to that proposal and paragraphs 9bis and 10 were adopted as amended.
- 128.** The Employers' group coordinator recommended the deletion of the last sentence of paragraph 11, considering that the term "order givers" was unclear.
- 129.** The Workers' group coordinator excused himself from the meeting and delegated his role to the Workers' group secretary of the Forum, who noted that the language used in the last sentence was a reflection of discussions during the Forum. The rationale for including it was to acknowledge that, besides direct employers, other parties needed to be included in social dialogue. The Workers' group therefore wanted the sentence to remain.
- 130.** The Government group coordinator said that, while there was no objection to the proposed deletion, in some cases it could be interesting to include other parties in social dialogue. His group considered that the wording in the first sentence – "should examine worker

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representation” – was too strong. The alternative – “look at” – proposed by the Workers, was more appropriate.

131. The Employers’ group coordinator remained concerned about the reference to “order givers” as it implied involvement in the supply chain, and private employment agencies were effectively employers. On that basis, the sentence was redundant and should be deleted.
132. The representative of the Government of Mauritania proposed a subamendment to the first sentence, so that it read: “Workers, employers and governments should ensure worker representation in agency, dispatch and outsourced working to ensure that workers in non-standard forms of employment enjoy the application of fundamental principles and rights at work”, given that freedom of association and the right to bargain collectively were already covered.
133. The adviser to the representative of the Government of Brazil said he understood the Employers’ concern with regard to the last sentence related to collective bargaining. The Forum might be able to reach a compromise by using broader language about social dialogue and the participation of other parties, such as: “In addition to their direct employers, the order givers and private employment agencies can also be part of the social dialogue.” The term “order giver” could be replaced by a more general term if necessary.
134. The Workers’ group coordinator expressed appreciation for the direction suggested by the adviser to the representative of the Government of Brazil, proposing returning to the amendment “look at”. He furthermore proposed replacing “order givers” with “other stakeholders/parties”.
135. The Employers’ group coordinator explained that the problem with the last sentence of the paragraph did not relate to collective bargaining but to who was being cited as employers in the sentence.
136. The Employers’ group secretary reminded the Forum that the definition of “social dialogue” did not refer to additional parties outside the tripartite social partners.
137. The Workers’ group coordinator asked that it be placed on the record that his group did not support the deletion of the final sentence, as it sought to address the fragmentation of collective bargaining in the sector. In the interest of compromise, he would agree to the deletion. He, however, wished to keep the words “including freedom of association and the right to bargain collectively” from the original version.
138. The Government group coordinator agreed it would have been of interest to mention that social dialogue could involve other parties. However, in the interest of reaching a compromise, he also accepted the deletion.
139. The Forum adopted paragraph 11 as amended.
140. The Workers’ group coordinator proposed adding “and should be encouraged” at the end of paragraph 12.
141. The Employers’ group coordinator said that her group wished to delete the whole paragraph, considering that it was not evidence-based and was therefore purely speculative. Customer satisfaction derived from a number of factors, not just employer–employee relations.
142. The Government and the Workers’ group coordinators both insisted on keeping the paragraph.

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143. The representative of the Government of Mauritania suggested replacing the paragraph with “Agreements related to fixing minimum wage encouraged better protection of workers’ rights”, which he believed reflected a neutral proposition.
  144. The Employers’ group secretary asserted that, as per the precedent set in situations of disagreement on text, the paragraph should be deleted.
  145. The adviser to the representative of the Government of Brazil suggested adding: “There are social determinants closely correlated to decent pay and conditions, healthy work environments and low staff turnover.”
  146. The Employers’ group coordinator thanked the adviser to the representative of the Government of Brazil for his suggestion but reiterated her group’s position to exclude the paragraph.
  147. The Workers’ group coordinator proposed deleting the beginning of the paragraph on the condition that the statement “sector-wide agreement and minimum wage fixing protect decent employers against non-compliant ones” was included at the end of the paragraph.
  148. All three parties accepted the Chairperson’s suggestion to bracket the paragraph and to return to it at the end of the discussion.
  149. The Employers’ group coordinator proposed reworking the list in paragraph 13, which would read: “effectively inspecting workplaces, promoting the sharing of good practices, encouraging productivity and promoting social dialogue and skills development”.
  150. The Workers’ group coordinator proposed inserting “promoting respect for workers’ rights” after “inspecting workplaces”.
  151. The Government group coordinator proposed adding the words “with the support of social partners” after “skills development”. He suggested placing a full stop after “social dialogue” and beginning a new sentence: “Governments could promote skills development with the support of social partners.”
  152. The Forum adopted paragraph 13 as amended.

### **Discussion of the Recommendations for future action by the International Labour Organization and its Members**

(GDFERTI/2015/6)

153. The Workers’ group coordinator said that his group accepted the document as a whole without amendments. Its only query related to the meaning ascribed to “representation mechanisms” in paragraph 1(3)(b).
154. The Executive Secretary of the Forum explained that the wording reflected part of the debate in the Forum, and was not intended to introduce any further representation mechanism. One of the roles of the Office was to conduct research on the representation of workers, including those in non-standard forms of employment. However, even in those cases, workers should be represented by unions.
155. The Workers’ group coordinator said that his group recognized only trade unions as worker representation mechanisms.

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- 156.** The Employers' group coordinator proposed changing the tense of "recommended" to present tense as the document should be read as having current effect. She furthermore reiterated the general changes regarding "industries" and "decent and productive employment" made to the previous document. In relation to paragraph 1(b), she recommended inserting "social dialogue and collective bargaining" after "practices on" and deleting the words up to "in telecommunications and call centre enterprises"; and also deleting "operating multinationally".
- 157.** The Government group coordinator said that he could not agree to those deletions.
- 158.** The Employers' group coordinator noted that it was a similar situation to the discussion on paragraph 12 of the previous document, there being no consensus about the paragraph.
- 159.** The Employers' group secretary underlined that in the same way that the Workers' group had not been willing to consider good practices of worker representation outside trade unions, the Employers' group was unwilling to accept the implications of paragraph 1(b).
- 160.** The Workers' group coordinator felt the situations were not analogous. The paragraph was solely concerned with sharing existing good practices. Multi-employer bargaining had been identified as being essential to make sure that workers in outsourced work, such as contact centres, had better access to collective bargaining. Sharing existing good practices could only lead to a better and clearer understanding of the role that some forms of collective bargaining and social dialogue played in helping to alleviate identified challenges.
- 161.** The adviser to the representative of the Government of Brazil said that the Employers' deletion removed fundamental elements such as national tripartite dialogue, not to mention innovative forms of social dialogue. The move was surprising and frustrating considering that the issues had already been identified as being very important.
- 162.** The Employers' group coordinator observed that social dialogue and collective bargaining also covered the notion of national tripartite dialogue. By including a mention of social dialogue and collective bargaining, the Employers' group sought to refer to other forms of engagement in general, without pinpointing specific elements.
- 163.** The Workers' group coordinator said that the Workers' group could not accept the amended version because it did not add much. There had been a lot of discussion about innovative forms of social dialogue and the paragraph should capture that, instead of just sharing best practices. In an attempt to reach a compromise, and taking into account paragraph 12 in the previous document, and the Employers' strong objection to the inclusion of order-giving enterprises, private employment agencies and contractors, the Workers' group would be willing to remove that part of paragraph 1(b) and retain the text "share good practices on multi-employer bargaining, national tripartite dialogue, and global dialogue in telecommunications and call centre enterprises operating multinationally".
- 164.** The Employers' group coordinator appreciated the efforts made to accommodate her group's concerns but reiterated its earlier position.
- 165.** The Government group coordinator said that they could, in order to reach a consensus, accept the Workers' proposal, but that it was a frustrating outcome.
- 166.** The Chairperson said that, given that there was no consensus on paragraph 1(b), the issue would be bracketed and returned to at the end of the discussion.

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167. The Employers' group coordinator proposed removing the word "solutions" in paragraph 1(c), and adding the words "where needed" at the end of the sentence. The word "solutions" implied problems, and her group believed that alignment could also refer to positive concepts such as innovation.
  168. The Workers' group coordinator held that the original wording was clearer than the Employers' amendment.
  169. The Government group coordinator stated that, in the interest of making progress, the Governments could support the deletion of the word "solutions".
  170. The Workers' group coordinator agreed to the amendment by the Employers' group in the interest of consensus.
  171. The Forum adopted paragraph 1(c) as amended.
  172. The Employers' group coordinator proposed deleting the phrase "level playing fields" in paragraph 1(d) and adding "by all" at the end of the sentence.
  173. The Forum adopted paragraph 1(d) as amended and paragraph 1(e) with no changes.
  174. The Employers' group coordinator proposed the following wording for paragraph 2(a): "engage social partners in defining monitoring and tracking non-standard forms of employment and improving and adapting labour legislation and policies".
  175. The Workers' group coordinator agreed only with the insertion of "monitoring and tracking".
  176. The representative of the Government of Brazil asked for clarifications as to how governments could monitor and track non-standard forms of employment.
  177. The Employers' group coordinator said that governments had an important role to play as certain data could be accessed only by them.
  178. The Workers' group coordinator said that "monitoring and tracking" would allow governments to assess the impact of non-standard forms of employment and undertake the necessary changes in their labour legislation.
  179. The Government group coordinator agreed that "monitoring and tracking" was beneficial and reserved for governments, but considered that it would be difficult to involve the social partners in such processes.
  180. The adviser to the representative of the Government of Brazil proposed adding the words "the impact", so that the sentence would read "monitoring and tracking the impact of non-standard forms of employment". He also noted that the term "adapting" should, as previously agreed, be removed from the paragraph.
  181. The Forum adopted paragraph 2(a) as amended.
  182. The Employers' group coordinator proposed inserting "where necessary" at the end of paragraph 2(b).
  183. The Workers' and Government group coordinators considered the addition unnecessary but their groups would not object.

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- 184.** The Forum adopted paragraph 2(b) as amended.
  - 185.** The Employers' group coordinator proposed deleting the term "targeted" in paragraph 2(c).
  - 186.** The Forum adopted paragraph 2(c) as amended and paragraph 3(a) was adopted with no changes.
  - 187.** The Workers' group coordinator proposed inserting the words "trade union" before "representation" and deleting the word "mechanisms" in paragraph 3(b).
  - 188.** The Employers' group coordinator said that the word "workers" instead of "trade union" would make more sense.
  - 189.** The Forum adopted paragraph 3(b) as amended.
  - 190.** The Government group coordinator proposed inserting the word "national" before "systems" in paragraph 3(c).
  - 191.** The Forum adopted paragraph 3(c) as amended.
  - 192.** The Government group coordinator proposed adding the words " , together with constituents" after the word "undertake" in paragraph 3(d), seeking the consultation of the social partners in research carried out by the Office.
  - 193.** The Workers' group coordinator agreed in principle, but warned that such wording could set a precedent given that any research already involved the social partners.
  - 194.** The Forum adopted paragraph 3(d) as amended.

### **Pending paragraphs**

- 195.** The adviser to the representative of the Government of Brazil said that he considered that paragraph 12 of document GDFERTI/2015/5 had been misunderstood. In his country, employers had requested the establishment of "tripartite plus" dialogue, which had had constructive results, not only in telecommunications services but also in other sectors. If the reference to such mechanisms was going to be removed from the document, he requested the Office to place his statement in that regard on the record.
- 196.** The Government group coordinator supported his colleague's statement on behalf of the group.
- 197.** The Workers' group coordinator said that his group could accept the deletion of the first sentence even though it believed that a correlation did exist. The second part of the paragraph referred to a point that had been reiterated by the Employers on various occasions during the discussion, and thus its inclusion should have been acceptable to them, especially as it referred to the fact that non-compliant employers were the problem, not decent ones.
- 198.** The Employers' group coordinator said that the correlation implied by the paragraph was unacceptable. Customer satisfaction and minimum wage fixing were two unrelated elements.
- 199.** Paragraph 12 was deleted.

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- 200.** The adviser to the representative of the Government of Brazil proposed replacing the words “share good practices” in paragraph 1(b) of document GDFERTI/2015/6 with “continue discussions on innovative social dialogue”.
- 201.** The Workers’ group coordinator supported the original proposal made by the Employers whereby “share good practices” would remain in the text. He proposed adding the phrase “including multi-employer bargaining, national tripartite dialogue and global dialogue in telecommunications and call centre enterprises operating multinationally” at the end of the sentence.
- 202.** The Employers’ group coordinator said her group was willing to accept the proposal by the adviser to the representative of the Government of Brazil.
- 203.** The adviser to the representative from the Government of Brazil similarly expressed acceptance of “share good practices on social dialogue and collective bargaining in the telecommunications and call centre enterprises, and continue discussions on innovative social dialogue”. He requested, however, that it be placed on the record that he would have preferred the Workers’ proposal.
- 204.** The Workers’ group coordinator said his group would be willing to accept the changes proposed by the adviser to the representative of the Government of Brazil, provided the words “such as multi-employer bargaining, national tripartite dialogue, and global dialogue in telecommunications and call centre enterprises operating multinationally” were added after it.
- 205.** The Employers’ group secretary insisted the reference to multi-employer bargaining was not acceptable to the Employers’ group, which would only accept the proposal by the adviser to the representative of the Government of Brazil.
- 206.** The Chairperson, noting lack of consensus on it, proposed deletion of paragraph 1(b) as a whole.
- 207.** Paragraph 1(b) was deleted.

## **Closing statements**

- 208.** The Employers’ group coordinator said that although there had been points on which the Forum had not been able to reach consensus, the meeting had been a rich experience. She thanked the Government group for its innovative spirit and encouragements and the Workers’ group for their active collaboration. Her group looked forward to building their relationship and working together with them in the future. Lastly, she thanked her own group, the secretariat and the Chairperson for his leadership throughout the discussion.
- 209.** The Workers’ group coordinator echoed the sentiments expressed by his Employer counterpart. He thanked all the parties and participants in the Forum. They had succeeded in producing a good document despite being unable to agree on a number of points. In particular, he thanked the Office and the Chairperson, and his own Worker colleagues for their work to articulate the group’s concerns.
- 210.** The Government group coordinator said that his group was somewhat dissatisfied with some of the points of consensus. However, the Forum had dealt with some difficult issues and the very fact that they were being discussed was a source of encouragement. He thanked all the participants in the Forum and commended them on the good work that they had done.

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- 211.** The Deputy Secretary-General of the Forum, Mr A. Isawa, commended the Forum on adopting a set of consensus-based recommendations. The participants' active and constructive contributions attested to their knowledge of the evolving employment relationships in the sector. He thanked the Chairperson, the group coordinators and advisers, and all the participants for facilitating the Forum's smooth proceedings. The points of consensus provided practical guidance on how constituents and the Office could work to improve worker representation in areas where non-standard forms of employment were becoming standard.
- 212.** The Chairperson said that active participation and a spirit of cooperation had made the Forum a success and had enabled it to complete its business. It had managed to develop a set of points of consensus to help the sector remain viable, in accordance with the relevant labour standards. The document would provide valuable guidance for governments and social partners. The success of the Forum reaffirmed the critical role that social dialogue could play in reconciling diverging positions. He thanked all the participants in the Forum for their contributions.

## Proposed points for discussion

- 213.** What challenges do governments and the social partners face in addressing employment relationships in telecommunications services and contact centres?
- 214.** How might social dialogue <sup>4</sup> contribute to improving the work environment in telecommunications services and contact centres?
- 215.** What recommendations would you make for future action by the International Labour Organization and its Members regarding employment relationships in telecommunications services and contact centres?

<sup>4</sup> According to the report *Social dialogue* for the recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization, Report VI, International Labour Conference, 102nd Session, Geneva, 2013, paras 15 and 16:

“Social dialogue is the term that describes the involvement of workers, employers and governments in decision-making on employment and workplace issues. It includes all types of negotiation, consultation and exchange of information among representatives of these groups on common interests in economic, labour and social policy. Social dialogue is both a means to achieve social and economic progress and an objective in itself, as it gives people a voice and stake in their societies and workplaces. ... Bipartite social dialogue may take the form of collective bargaining or other forms of negotiation, cooperation and dispute prevention and resolution. Tripartite social dialogue brings together workers, employers and governments to discuss public policies, laws and other decision-making that affect the workplace or interests of workers and employers.”



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## Points of consensus <sup>1</sup>

### Introduction

1. Telecommunications and call centres are indispensable to today's globalized, highly connected and technology-driven knowledge economy. They also represent an important source of jobs around the world, and are often a vital entry point into the labour market.
2. Business adaptability and sustainability should go hand in hand with promotion of decent and productive work in the industry. Fundamental principles and rights at work and all ratified international labour standards relevant to the industry, should be upheld and promoted. Effective social dialogue is key to promoting sustainability of both business and decent work in the industry, and to address challenges related to occupational safety and health, excessive stress, high sick leave rates, low pay, long working hours, unfair dismissals, high turnover rates and other unfair labour practices, where they exist.

### Challenges faced in addressing employment relationships in telecommunications services and call centres

3. In a number of countries, decent work challenges in the industry comprise gaps in the regulatory framework, the weakness of social dialogue and collective bargaining, and restriction of freedom of association. Due to globalization and other factors, non-standard forms of employment (NSFE) have grown extensively, including in the telecommunications and call centre sectors. These have assisted business adaptability and growth. Well-regulated and freely chosen NSFE can offer options for balancing work and private life. NSFE may pose problems for workers' protection, union organizing and the effective realization of freedom of association and collective bargaining rights.
4. There is a need for social partners and governments to consider innovative approaches to social dialogue and engagement. This should include developing and using new dialogue mechanisms that should ensure that workers in NSFE enjoy the labour protection they are due.
5. The Meeting of Experts on Labour Inspection and the Role of Private Compliance Initiatives (Geneva, 10–12 December 2013) provides some pointers on how such initiatives could make this process more effective.
6. Call centres in some countries are either not regulated or are poorly regulated, and it is sometimes difficult to monitor their operations – some businesses and jobs are undeclared and non-compliant with national laws. Social partners and policy-makers have a shared interest to ensure that this does not unfairly penalize compliant enterprises and their workers. When relocation of work from one country to another or from one region of a country to another is undertaken to take advantage of less protective labour regulations and lower labour costs, it can pose a concern as it could lead to social dumping and a race to

<sup>1</sup> These points of consensus were adopted by the Global Dialogue Forum on 28 October 2015. In accordance with established procedures, they will be submitted to the Governing Body of the ILO for its consideration.

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the bottom. Better and more effective regulations could be an appropriate response in this regard.

7. Improved and better resourced labour inspection are an important part of the response to the challenges arising from changed employment relationships in the industry.
8. There is a need to bridge the skills gap and mismatch, and to promote technical and vocational education and training to support industry human resource needs.
9. All workers, irrespective of their contractual relationship, should enjoy equality of treatment and be free from discrimination.

### **Contribution of social dialogue to improving telecommunications services and call centre work environments**

10. Governments, employers and workers should use social dialogue to develop innovative approaches, including regulatory initiatives that enable workers in NSFE to exercise these rights and enjoy the protection afforded to them under the applicable collective agreements.
11. Social dialogue, collective bargaining and engagement of the social partners are very important. Structured engagement with regulators and with the government is essential. Workplace forums and councils on topics such as training, occupational safety and health and staff welfare can extend such dialogue. International Framework Agreements, as voluntary initiatives between unions and telecommunications services enterprises can be valuable in improving working conditions.
12. Workers, employers and governments should look at worker representation in agency, dispatch and outsourced working – to ensure that workers in non-standard forms of employment enjoy fundamental principles and rights at work, including freedom of association and the right to bargain collectively.
13. Government has the role of regulating the world of work; effectively inspecting workplaces; promoting respect for workers' rights; promoting the sharing of good practices; encouraging productivity, and promoting social dialogue. Governments could promote skills development with the support of social partners.

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

14. The Forum recommends the following future action in this industry:
  1. Tripartite constituents should:
    - (a) engage in effective social dialogue to promote decent and productive work and equitable treatment for all workers regardless of their employment status;
    - (b) seek to align flexible work arrangements and NSFE with decent work principles and practices, where needed;

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- (c) design and implement measures to ensure respect for applicable legal frameworks by all; and
  - (d) enhance access for all workers to relevant skills development and anticipate future training needs.
2. Governments should:
- (a) engage social partners in defining, monitoring and tracking the impact of NSFE and improving labour legislation and policies;
  - (b) improve labour and social protection systems to mitigate the impact of NSFE on working conditions, where necessary; and
  - (c) enhance labour inspection capacity and resources.
3. The Office should:
- (a) continue to promote the ratification, effective implementation and better use of relevant international labour standards, particularly those related to freedom of association and collective bargaining, conditions of work, occupational safety and health, and build the capacity of constituents to do likewise; and analyse whether there are industry-specific gaps in those standards;
  - (b) promote social dialogue – including workers’ representation in NSFE – and develop constituents’ capacity to effectively engage in social dialogue;
  - (c) work with member States to improve national systems to regularly collect and disseminate objective data on employment, wages, working hours, contractual arrangements, staff turnover and other relevant data on the basis of resolutions adopted by the International Conference of Labour Statisticians; and
  - (d) undertake, together with constituents, research and comparative analysis, monitor, assess and map good practices and share knowledge on: drivers and impact of change, employment-creation potential, diversification of employment relationships and the role of SMEs and multinational enterprises.



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