



Governing Body

Geneva, November 2009

Committee on Legal Issues and International Labour Standards**LILS****FOR DECISION**

SIXTH ITEM ON THE AGENDA

Ratification and promotion of fundamental and governance ILO Conventions

Introduction

1. Following a consensus at the 81st Session of the International Labour Conference (1994) for a more intensive promotion of fundamental rights, the Director-General began a campaign to promote ratification of the fundamental Conventions. Since then, the Conference has adopted two Declarations confirming the particular importance of these Conventions: the ILO Declaration on Fundamental Principles and Rights at Work in 1998 (1998 Declaration), and the ILO Declaration on Social Justice for a Fair Globalization in 2008 (the Social Justice Declaration). In addition, four Conventions, relating to tripartism, employment policy and labour inspection were highlighted in the Social Justice Declaration, and designated as “most significant from the viewpoint of governance” (the governance Conventions). These are: the Labour Inspection Convention, 1947 (No. 81); the Employment Policy Convention, 1964 (No. 122); the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). During the 98th Session of the Conference (2009), the governance Conventions, along with the fundamental Conventions, were acknowledged as important elements in a strategy for recovering from the crisis, as indicated in the Global Jobs Pact.¹
2. As a result of the increased emphasis on the governance Conventions, and based on the decisions of the Governing Body,² the Director-General’s ratification campaign has been expanded to incorporate these Conventions. The annual letter sent out regarding developments in the ratification of the fundamental Conventions has been expanded to include the governance Conventions. In the context of the follow-up to the Social Justice Declaration, the Governing Body invited the Office to prepare a specific plan of action for a promotional campaign for the ratification and effective implementation of the standards that are the most significant from the viewpoint of governance, along with the ratification

¹ ILO: *Resolution on recovering from the crisis: A Global Jobs Pact*, International Labour Conference, 98th Session, Geneva, 2009.

² See documents GB.304/LILS/4, para. 31 and GB.304/9/2, para. 51(i)(a).

campaign which is under way for the eight fundamental Conventions.³ The appendix contains the proposed plan of action to achieve widespread ratification and effective implementation of the governance Conventions. Requests from countries for technical assistance as a result of this campaign will be taken into account in the plan of action follow-up.

3. On 29 June 2009, the Director-General sent a letter to all member States that have not yet ratified all the fundamental and governance Conventions, requesting information on the most recent examination of those Conventions with a view to ratification, and its outcome; ratification prospects and/or obstacles to ratification; and technical assistance needs with regard to ratification and implementation. Where applicable, information was also requested regarding the possibility of extending the application of the Conventions to the non-metropolitan territories.
4. Part I below consolidates new information received through replies from governments of countries that have not yet ratified all the fundamental Conventions, organized by subject. It also includes information regarding progress in extending application to non-metropolitan territories; and information received in the context of the annual review under the follow-up to the 1998 Declaration, during the Conference, and in the course of technical assistance and technical cooperation activities.
5. Part II sets out the information received from governments on the governance Conventions through their replies to the Director-General's letter as well as to the questionnaires for the General Survey on employment that will be prepared by the Committee of Experts on the Application of Conventions and Recommendations at its forthcoming session in November–December 2009. Information on prospects of ratification for Conventions Nos 81 and 129 has also been drawn from reports sent under article 19 of the Constitution in 2005, within the set deadlines, for the 2006 General Survey on labour inspection.

Part I. Fundamental Conventions

Overview of progress

6. Since November 2008,⁴ 11 new ratifications of the fundamental Conventions have been registered. In addition, the United Kingdom has extended the application of Convention No. 182 to the territory of St Helena.

	New ratifications	Total No. of ratifications
Convention No. 29	Timor-Leste	174
Convention No. 87	Timor-Leste	150
Convention No. 98	Timor-Leste	160
Convention No. 100	Kiribati	167
Convention No. 105	–	171
Convention No. 111	Kiribati	169
Convention No. 138	Guinea-Bissau, Haiti, Samoa, Uzbekistan	154
Convention No. 182	Kiribati, Timor-Leste	171

³ ibid.

⁴ GB.303/LILS/5.

7. To reach the goal of universal ratification, set for 2015,⁵ 150 ratifications are still needed, for an overall total of 1,464 (183 per Convention). The 150 outstanding ratifications represent 54 countries as 129 member States have now ratified all the fundamental Conventions. As of 21 September 2009, 20 of these countries had replied to the Director-General's request for updated information.⁶
8. Accelerating the ratification and implementation of these Conventions is a priority for Office action in order to reach the goal of universal ratification by 2015. This is particularly important in light of the achievement of outcomes 14, 15, 16, and 17 of the recently adopted Strategic Policy Framework 2010–15 and the Programme and Budget for 2010–11.⁷ The 2009 Conference conclusions concerning gender equality at the heart of decent work also call for a practical plan of action for the universal ratification of Conventions Nos 100 and 111, and for support to the ratification of Conventions Nos 87 and 98. Given the high ratification rates of the fundamental Conventions, and the considerable background work that has been done in many countries to promote ratification, a proactive and highly targeted approach will be taken, taking into account the particular situation of each remaining country. The overall strategy will include undertaking studies, developing project proposals, identifying particular countries for advocacy and technical assistance, and related activities.
9. Operationalizing the Decent Work Country Programmes will be key to this strategy. A number of these programmes – such as those for China, Kenya, Nepal, Solomon Islands, Timor-Leste, and Vanuatu – include the ratification of fundamental Conventions as a priority, providing a basis for ILO action to promote universal ratification. For example, in the context of the implementation of the Decent Work Country Programme in Timor-Leste, the Office is supporting the implementation of a five-year workplan towards the ratification of fundamental Conventions, including through facilitating tripartite discussion, legislative assistance and training of labour administration officials.

Freedom of association and collective bargaining

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

10. Convention No. 87 remains the fundamental Convention with the lowest ratification rate and Convention No. 98 also has one of the lowest rates.
11. The Government of *Afghanistan* indicated that ratification of Conventions Nos 87 and 98, as well as Conventions Nos 29 and 138 was being evaluated by the Council of Ministers in

⁵ See ILO: *Decent work: Some strategic challenges ahead*, Report of the Director-General, Report I(C), International Labour Conference, 97th Session, Geneva, 2008, para. 94.

⁶ As of 21 September 2009, replies had been received from Australia, Bahrain, Canada, China, Cuba, India, Japan, Jordan, Kenya, Malaysia, Morocco, Mexico, Myanmar, New Zealand, Singapore, Sudan, Suriname, Thailand, United States and Viet Nam. Replies pertaining to the extension of the application of the fundamental Conventions to the non-metropolitan territories were received from Australia, New Zealand, United Kingdom and United States.

⁷ See GB.304/PFA/2(Rev.); and ILO: *Programme and Budget for the biennium 2010–11*. Separate outcomes are foreseen for freedom of association and the right to collective bargaining (outcome 14), the elimination of forced labour (outcome 15), the elimination of child labour (outcome 16), and the elimination of discrimination (outcome 17).

consultation with employers' and workers' organizations, and once approved, would be submitted to the Parliament. The Government of *Bahrain* stated that there were no legislative difficulties hindering the ratification of either Convention No. 87 or 98, and discussions regarding ratification continued; ILO technical assistance has been requested for the organization of national tripartite workshops on collective bargaining, and for preparing a bill or ministerial orders on the National Social and Economic Council.

12. The Government of *Brunei Darussalam* stated that it was considering, in consultation with workers' and employers' organizations, the ratification of Conventions Nos 87 and 98, as well as Nos 100, 111 and 138. The Government of the *Lao People's Democratic Republic* confirmed its intention to ratify Conventions Nos 87 and 98. The Government of *Oman* stated that once national labour laws were in line with international standards, the process of ratification of the remaining unratified fundamental Conventions (Nos 87, 98, 100, 111) would be initiated.
13. The Government of *Saudi Arabia* indicated that it had no intention at this time to ratify Conventions Nos 87 and 98. The Government of the *Solomon Islands* reported that it had approved the ratification of Conventions Nos 87 and 98, as well as the other unratified Conventions (Nos 100, 105, 111, 138, 182), and it intended to bring the legislation into compliance with the fundamental Conventions, in consultation with the social partners and in cooperation with the ILO. The Government of *Somalia* indicated its intention to begin the process of ratifying the fundamental Conventions, including Nos 87 and 98, as well as Nos 100, 138 and 182, once it received technical assistance from the ILO.
14. The Government of *Thailand* stated that the Ministry of Labour had established the Working Group on Labour Relations Laws Amendment to comply with Conventions Nos 87 and 98, with the mandate to study and analyse the Conventions and propose amendments to the relevant laws. The Government of the *United States* replied generally that steps were being taken to reactivate the President's Committee on the ILO and its Advisory Panel on International Labour Standards, with the hope that this would lead to important progress with regard to the ratification of fundamental Conventions (Conventions Nos 87, 98, 29, 100, 111 and 138 have not yet been ratified). The Government of *Viet Nam* indicated that the revisions of the Labour Code and the Trade Union Law were to be adopted in October 2010, to be followed by further examination with a view to ratification of Conventions Nos 87 and 98. ILO technical assistance has been requested for revising the legislation.
15. With respect to Convention No. 87, the Government of *Guinea-Bissau* indicated that the process of ratification was linked to the ongoing legislative revision process. The Government of *Iraq* stated that the ratification of the Convention had been submitted to the Parliament for endorsement. The Government of *Jordan* replied that tripartite consultations were under way to examine the prospects of ratification, and proposals for the amendment of the Labour Code had been submitted to the Council of Ministers for approval. The Government of *Kenya* indicated that the tripartite National Labour Board had held its first meeting this year, and would be responsible for advising on ratification. The Government of *Lebanon* noted that the ratification of Convention No. 87 relied directly on the current process of amending the staff regulations and the Labour Code.
16. The Government of *Malaysia* reported that some provisions of the Trade Union Act were not consistent with Convention No. 87. In its opinion, the Trade Union Act had successfully maintained the growth of healthy trade union institutions and was conducive to harmonious industrial relations, which attracted foreign investors. The Government of *Morocco* stated that tripartite dialogue continued with a view to harmonizing existing laws regarding certain categories of civil servants with Convention No. 87. The Government of *Nepal* stated that it was in the final stage of ratifying Convention No. 87, which would be

presented to the Cabinet for endorsement. The Government of *Singapore* indicated that ratifying Convention No. 87 would require major legislative changes, which might adversely affect the harmony of industrial relations.

17. With respect to Convention No. 98, the Government of *Canada* was waiting for further decisions of the Supreme Court, which were expected to clarify the scope of the protection for collective bargaining under the Canadian Charter of Rights and Freedoms. The Government of *Mexico* stated that the legislative branch had concerns regarding Article 1 of Convention No. 98.

Non-discrimination and equal remuneration

***Equal Remuneration Convention, 1951 (No. 100);
Discrimination (Employment and Occupation)
Convention, 1958 (No. 111)***

18. The position of *Brunei Darussalam, Oman and Solomon Islands* with respect to Conventions Nos 100 and 111 is indicated in the previous section. The Government of *Suriname* recently undertook a technical re-examination of the law and practice relevant to Conventions Nos 100 and 111, which concluded that there were no longer obstacles to ratification and implementation; the Minister of Labour, Technological Development and Environment would recommend ratification to the Council of Ministers. The Government of *Timor-Leste* indicated that ILO technical assistance was needed to better understand international labour standards and to support the labour law review before it could initiate the process of ratification of Conventions Nos 100, 111, 105 and 138. The general position of the *United States* regarding ratification of the fundamental Conventions is indicated in the previous section and applies to Convention No. 100. With respect to Convention No. 111, the Government informed that it was placed on the Department of State's list of treaties on which the Administration supported Senate action at this time, and ratification was expected to be considered at the 111th Congress.
19. The application of Conventions Nos 100 and 111 was not yet extended to some of the non-metropolitan territories of the *United Kingdom*. In this respect, the Government noted generally that a major obstacle to extending the fundamental Conventions to the territories was the lack of enabling legislation and legislative drafting capacity, and limited resources; however, it intended to continue encouraging the acceptance of extension where appropriate.
20. The position of *Somalia* concerning Convention No. 100 is indicated in the previous section. The Government of *Bahrain* stated that there were no legislative difficulties which hindered ratification of Convention No. 100, and the legislative authority was examining the possibility of ratifying it. The Government of *Liberia* stated that owing to recent changes in the Government, the ratification process had slowed down; however, the document proposing the ratification of Conventions Nos 100 and 138 was currently before the Senate Committee for approval. The Government of *Namibia* indicated its intention to start tripartite consultations on the prospects of ratifying Convention No. 100, particularly in light of new legislative provisions, which it considered to be in conformity with the Convention.
21. The Government of *Malaysia* stated that it was not able to ratify Convention No. 111 because the Constitution was not in conformity with it, as it provided the Bumiputeras privileged access to the public sector. The Government also raised the possibility of discussing this matter further with the Office with a view to developing greater understanding and enhanced cooperation. The Government of *Singapore* noted that its

tripartite promotional approach to fair employment practices had been effective, though it might not be fully in line with Convention No. 111. However, the Government would continue consultations with the Office regarding what kind of non-discrimination clause could be sufficient. The Government of *Thailand* replied that it had implemented Convention No. 111 through recent legislative and policy changes. In the context of the Decent Work Country Programme, it planned to conduct feasibility studies and consultations with stakeholders on the ratification of the Convention.

22. The Government of *Australia* indicated that Convention No. 111 would be declared applicable to Norfolk Island.

Child labour

Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182)

23. The position of the *Solomon Islands* and *Somalia* in respect of Conventions Nos 138 and 182 is indicated in the section on freedom of association.
24. The position of *Afghanistan*, *Brunei Darussalam*, and the *United States* concerning Convention No. 138, is indicated in the section on freedom of association, and the position of *Liberia* and *Timor-Leste*, in the section on non-discrimination and equal remuneration. The Government of *Australia* replied that some states and territories had indicated an inability to support ratification of Convention No. 138 because their legislation was not fully consistent with it. The Government of *Bahrain* indicated that the new Labour Code currently under discussion would bring the law into conformity with Convention No. 138 and its ratification was still being examined. The Government of *Cape Verde* indicated that following the adoption by the Parliament of the law approving ratification, laws were being revised to bring them into line with Convention No. 138. The Government of *Ghana* stated that the possible ratification of Convention No. 138 was currently under examination at the Attorney-General's Office and would then be reviewed by the Cabinet, which was already committed to its ratification. According to the Government of *Mexico*, the Senate considered that the legislation was incompatible with Convention No. 138.
25. The Government of *New Zealand* was undertaking research and evaluation work with a view to developing a tool kit to promote and protect the rights of children and young people at work; consideration as to whether to pursue ratification of Convention No. 138 was deferred until this information would be gathered and the policy work completed. The Government of *Saint Lucia* indicated that ratification of Convention No. 138 would follow the coming into force of the new Labour Code, since its provisions were considered to be in conformity with the Convention. The Government of *Saudi Arabia* indicated its intention to ratify Convention No. 138. The Government of *Suriname* stated that some legal constraints were preventing it from considering ratification of Convention No. 138 and that it was taking steps to address them, in particular by considering extending the period of compulsory schooling.
26. The Government of the *United Kingdom* recently extended the application of Convention No. 182 to St Helena.
27. The Office has received copies of the instrument of ratification of Convention No. 182 for *Afghanistan*. The ratification will be registered once the original instrument has been duly submitted to the Director-General. The Government of *Cuba* indicated that it continued to study and consult regarding the possibility of ratification of Convention No. 182.

- 28.** The Government of *Australia* was actively considering declaring Convention No. 182 applicable to Norfolk Island. The Government of the *United States* indicated that it had initiated the necessary legal research to determine the possibility of extending Convention No. 182 to its territories.

Forced and compulsory labour

Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105)

- 29.** The Government of *Brunei Darussalam* indicated its intention to ratify Conventions Nos 29 and 105.
- 30.** The position of *Afghanistan* and the *United States* with respect to Convention No. 29 is indicated in the section on freedom of association. The Government of *Canada* stated that it had sought the assistance of the Office to clarify Canada's conformity with Convention No. 29.
- 31.** The position of the *Solomon Islands* in respect of Convention No. 105 is indicated in the section on freedom of association and the position of *Timor-Leste*, in the section on non-discrimination and equal remuneration. The Government of the *Lao People's Democratic Republic* confirmed its intention to ratify Convention No. 105. The Government of *Singapore*, which had previously denounced this Convention, noted that it might be difficult to proceed on its ratification owing to differences in interpretation between the Government and the ILO. However, it continued to consult the Office regarding how other countries addressed the issue of prisoners volunteering for work, in particular to obtain examples of legislative provisions. The Government of *Viet Nam* indicated that in order to ratify Convention No. 105, further work would be needed to prepare the conditions to secure its effective implementation. In this regard, it requested technical assistance from the ILO to revise the Labour Code and forced labour-related laws, to promote improved compliance, and to strengthen the capacity of the labour administration to coordinate monitoring, prevention and abolition of forced labour.
- 32.** The Government of the *United States* indicated that it had initiated the necessary legal research to determine the possibility of extending Convention No. 105 to its territories.

Part II. Governance ILO Conventions

Employment policy

Employment Policy Convention, 1964 (No. 122)

- 33.** The ratification of this Convention by *Gabon* on 1 October 2009 brings the total number of ratifications to 100. In *Fiji*, the Cabinet approved the ratification of Convention No. 122 on 22 September 2009.
- 34.** Some 104 questionnaires were received for the General Survey on employment that will be prepared by the Committee of Experts in November–December 2009. About 80 countries that have not yet ratified Convention No. 122 provided replies on the obstacles that impeded or delayed ratification of the Convention.

35. In their replies to the Director-General's letter, all governments concerned with the ratification of Convention No. 122 referred to their replies to the questionnaire for the General Survey.
36. The Government of *Switzerland* confirmed its intention to bring the ratification of Convention No. 122 to the Tripartite Federal Committee for a preliminary discussion before the end of 2009. The Government of *South Africa* intended to examine whether national legislation complied with Convention No. 122 and to refer it to the National Economic Development and Labour Council if there was a possibility of ratification.
37. The Government of *Mexico* confirmed its interest in receiving technical advice from the ILO on the measurement of labour mobility in different countries and its impact on migration. The Government of *Mauritius* also reiterated its need for ILO assistance.
38. The information provided by governments on the prospects of ratification and the remarks that the Committee of Experts might include in the General Survey will be extremely useful in the context of the plan of action to achieve rapid widespread ratification of Convention No. 122.

Tripartite consultation

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

39. In its reply to the Director-General's letter, the Government of *Morocco* indicated that the ratification process had been initiated. For *Afghanistan*, the Office received copies of the instrument of ratification. The ratification will be registered once the original instrument has been duly submitted to the Director-General.
40. The Ministry of Labour of *Honduras* reported that this Convention had been brought to the attention of the Ministry of Foreign Affairs before its submission to the National Congress for its approval and ratification.
41. The Government of *Canada* reported that the consultation with the social partners on this Convention was in its final stages. In *Panama*, the social partners expressed the view that the national practice was already in conformity with the Convention and recommended its ratification.
42. Some countries (such as *Slovenia* and *Sudan*) confirmed their interest to contemplate the ratification of this Convention in the near future.
43. The Government of *Thailand* noted that further information on the Convention was still necessary and requested assistance from the ILO. The Government of *Singapore* stated that it continued to examine the Convention with a view to ratification and invited an ILO study mission on the functioning of the tripartite framework in the country. The Government of *Cuba* reported that a national tripartite seminar to study the Convention would be organized in October 2009 with ILO assistance.

Labour inspection

Labour Inspection Convention, 1947 (No. 81)

- 44. *Slovakia* ratified the Convention on 19 September 2009.
- 45. Various reasons delaying or preventing ratification of this Convention were mentioned. Some countries consider that consultations are needed before they can state their position on ratification prospects. These are the *Philippines* (whose Government requested ILO technical assistance for the purpose), *South Africa*, *Chile* and *Canada*. There has been significant progress in the latter's position on this subject since 2005. At the time, *Canada* had cited incompatibility between its legislation and the Convention, but it has already started a process of consultation with the competent authorities of the provinces. In the *Philippines*, the ILO recently conducted an audit of labour inspection.
- 46. *Mexico*, which had also cited incompatibility of national legislation with the provisions of the Convention in 2005, mentioned this again as a major obstacle to ratification of the Convention. While it wished to ensure conformity of its legislation first, *China* nonetheless clearly expressed its intention to ratify the Convention with ILO technical assistance to that end. The *Czech Republic* informally requested an opinion on the scope of the Convention with a view to ratification.
- 47. *Thailand*, which had announced a popular consultation in 2005, envisages requesting ILO technical assistance with a view to ratification.
- 48. The *United States* (which states that the Convention is applied in practice) and *Myanmar* have indicated that they do not intend to ratify the Convention, while *Australia* does not consider it necessary to extend application to Norfolk Island.

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

- 49. *Slovakia* ratified the Convention on 17 September 2009. Ratification by *Fiji* was approved by Cabinet on 22 September 2009.
- 50. The following countries, having previously stated their position with regard to ratification, with or without giving the reasons, either did not reply to the letter of the Director-General of June 2009, or did not consider that the request referred specifically to this Convention: *Saudi Arabia*; *China* (despite having announced in 2005 that it envisaged ratification once its legislation had been brought into conformity with the Convention); *Republic of Korea*; *United Arab Emirates*; *Indonesia* (where the informal nature of agricultural activity is not conducive to ratification); *Nigeria*; *Qatar*; *Sri Lanka* (despite the fact that the Convention is applied on plantations); *Trinidad and Tobago*; *Tunisia*; *Viet Nam*.
- 51. The following countries do not deem it necessary to ratify this Convention: *Cuba*; the *United States*, which indicated that the Convention was applied in practice; *Singapore*, which considered that ratification was not relevant given the low number of people employed in agriculture and the existence of an adequate national protection system; and *Gabon*, which pointed out that a unified inspection system applicable to all economic sectors was in place, in accordance with Convention No. 81.
- 52. *Australia* stated that it was giving preference to examining other Conventions with a view to ratification, while *Venezuela*, without being sufficiently specific, nonetheless highlighted a recent focus on agriculture in state policy.

53. Ratification was not envisaged by *Kuwait* (at least in the immediate future); *Lithuania*; *Myanmar*; *New Zealand*; and the *United Kingdom* (at least in the immediate future).
 54. Some countries had announced or envisaged consultations with the social partners or the authorities concerned with a view to ratification: *South Africa*, whose position has evolved positively since 2005; *Canada*, which cited legislative obstacles in certain provinces and territories; *Chile*, which changed its position on ratification since 2005; *Cyprus*; *Greece*; and *Malaysia*.
 55. The following countries expressed their readiness to reconsider the Convention with a view to ratification: *Austria*, *Bahrain* (subject to receiving ILO technical assistance); *Benin*; *Jordan* (subject to tripartite consultations); *Suriname*; and *Botswana*.
 56. The need for appropriate ILO technical assistance was expressed by *Kiribati*; *Nicaragua* (with a view to adopting relevant legislation); the *Philippines* (in particular to prepare for consultations with the social partners); and *Thailand*.
 57. Technical assistance could ease ratification prospects for *Belarus* (which cited an obstacle based on a misinterpretation of a provision of the Convention).
 58. The following countries emphasized the lack of financial resources: *Honduras*, which referred to negotiations in the context of international financial cooperation; *Mauritius*, which also cited legislative obstacles and the lack of human resources; *Panama*, which also expressed the need for technical assistance and forwarded the views of occupational organizations; and *Rwanda*.
 59. Certain countries cited structural obstacles to ratification: *India* (structure of agricultural landownership); *Jamaica* (multitude of actors in the agriculture sector), *Mali* (informal nature of agricultural activity) and *Switzerland* (structure of agricultural landownership).
 60. The following countries cited incompatibility of national legislation with the Convention as a major obstacle to ratification: *Japan* (which considered an in-depth examination of this aspect necessary); *Lebanon* (legal gaps considered an obstacle); *Mexico*; *Mongolia*; and *Sudan* (which, however, reported a revision of all of its legislation). The *Czech Republic* stated that an assessment of conformity of its legislation was currently under way, with a view to ratification.
- 61. *The Committee may wish to recommend that the Governing Body:***
- (a) *take note of the information contained in the present document;*
 - (b) *approve the proposed plan of action contained in the appendix, making any adjustments that are deemed necessary; and*
 - (c) *keep this subject on the agenda of the Committee on Legal Issues and International Labour Standards with a view to following the progress made.*

Geneva, 16 October 2009.

Point for decision: Paragraph 61.

Appendix

Proposed plan of action to achieve widespread ratification and effective implementation of the standards that are the most significant from the viewpoint of governance

I. Background and justification

1. The sustained promotion of decent work requires the building of national institutions and capacities that serve to promote employment while strengthening national systems for ensuring compliance with labour standards, particularly through labour inspection and tripartite consultations. This is especially important in the current context of the global economic crisis and the risks it entails in terms of a prolonged increase in unemployment, a regression in workers' protection, and deepening poverty. The 2008 ILO Declaration on Social Justice for a Fair Globalization (the Social Justice Declaration) designates four Conventions that relate to tripartism, employment policy and labour inspection as "most significant from the viewpoint of governance" (the governance Conventions):
 - Labour Inspection Convention, 1947 (No. 81);
 - Employment Policy Convention, 1964 (No. 122);
 - Labour Inspection (Agriculture) Convention, 1969 (No. 129); and
 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
2. Through the ILO's standards system, which comprises technical assistance and a supervisory mechanism entrusted with monitoring the application of standards at national level, these Conventions play a pivotal role in promoting full, productive and freely chosen employment, building social cohesion through social dialogue, and maintaining decent conditions of work through a functioning labour inspectorate. They serve to pave the way out of the current crisis through the search for concerted policies and solutions in a tripartite context and effective labour inspection preventing a "race to the bottom" in terms of social protection.
3. Indeed, the four governance Conventions are part of a strategy for crisis recovery, on a par with the eight fundamental Conventions, as acknowledged in the Global Jobs Pact, which was recently adopted by the constituents in the framework of the ILO's response to the crisis.¹
4. In the context of the follow-up to the Social Justice Declaration, in March 2009 the Governing Body invited the Office to prepare a specific plan of action for a promotional campaign for the ratification and effective implementation of the standards that are the most significant from the viewpoint of governance.² Currently, the promotion of the four governance Conventions constitutes a shared objective that permeates numerous activities taking place throughout the ILO at headquarters, the field and the International Training Centre in Turin (Turin Centre) on the basis of the targets and indicators set in the Strategic Policy Framework 2010–15 and the Programme and Budget for 2010–11.
5. Despite their importance, there is an uneven rate of ratification of these Conventions and the supervisory bodies have identified implementation gaps among the ratifying countries.

¹ ILO: *Recovering from the crisis: A Global Jobs Pact*, International Labour Conference, 98th Session, Geneva, 2009.

² See documents GB.304/LILS/4, para. 31; and GB.304/9/2, para. 51(i)(a).

Out of 183 member States, 99 have ratified Convention No. 122, 140 have ratified Convention No. 81 (the most ratified of the four), 48 have ratified Convention No. 129 (the least ratified), and 123 have ratified Convention No. 144, which recently benefited from a campaign for its ratification. More needs to be done to promote both the ratification and the effective implementation of these instruments and their underlying principles. In particular, technical assistance and cooperation should be upscaled to help build up the national institutions and capacities that pave the way for their application.

6. The six-year plan of action outlined in the subsequent sections aims to implement the Governing Body decisions. It is designed to achieve the twofold goal of widespread ratification and effective national implementation of the four governance Conventions by building the institutions and capacities necessary for making continuous and sustained progress in their implementation and realizing decent work.

II. A strategic approach

7. To achieve this twofold goal, the plan of action focuses on:
 - maintaining the momentum that has gathered so far and mobilizing support;
 - emphasizing the linkages among the four governance instruments;
 - building institutions and capacities through tripartite collaboration;
 - ensuring Office-wide collaboration, involving headquarters, the field and the Turin Centre, on the basis of the targets and indicators set in the Strategic Policy Framework and the programme and budget;
 - providing effective technical assistance and cooperation to countries interested in ratification and full implementation;
 - effectively managing and sharing the wealth of information to be generated on the four governance Conventions.

1. Maintaining the momentum and mobilizing support

8. Certain recent developments have contributed to building a momentum which is conducive to the effective promotion of the four governance Conventions, particularly because awareness has been raised on the central importance of these instruments in promoting decent work. The present section reviews these developments.

Adoption of the Social Justice Declaration

9. The adoption of the Social Justice Declaration by the International Labour Conference in June 2008 marks a new era in effectively promoting the four strategic objectives of employment, social protection, social dialogue and fundamental principles and rights at work in the framework of a “global and integrated strategy”. The primary aim of the Social Justice Declaration is to strengthen the ILO’s capacity to meet its constituents’ needs. The Declaration also affirms that Members have a key responsibility to contribute, through their social and economic policy, to the realization of a global and integrated strategy for the implementation of the four strategic objectives. In this regard, it specifies that Members may consider, among other steps, reviewing their situation as regards the ratification or implementation of ILO instruments, with a view to achieving a progressively increasing coverage of each of the strategic objectives, with special emphasis on the instruments classified as core labour standards, as well as those regarded as most significant from the viewpoint of governance.
10. The present plan of action is an emanation of the principles and methods set forth in Part II of the Social Justice Declaration, “Method of implementation”. In this framework, all

synergies with other activities taking place within the Office, notably technical assistance and cooperation, will be explored and utilized to their full potential for the benefit of an effective promotion of the four governance instruments.

11. The Social Justice Declaration includes a follow-up mechanism, in the framework of which the Conference will hold a recurrent discussion at each session. At its 99th Session (2010) it will review the trends relating to the strategic objective of employment. This recurrent discussion and the follow-up to its conclusions are likely to have an impact on the plan of action, especially with regard to the promotion of Convention No. 122. In the framework of a global and integrated strategy for the promotion of decent work, any necessary adjustments will be made to the plan of action.

2010 General Survey on employment

12. For the purpose of fully developing the potential synergies between the standards system and the recurrent discussion, the Governing Body invited the Committee of Experts on the Application of Conventions and Recommendations (CEACR) to prepare, on an experimental basis, a General Survey on six employment instruments, including Convention No. 122. The General Survey will be submitted to the Conference Committee on the Application of Standards at the 99th Session (June 2010), parallel to the discussion of the recurrent report on employment. The results of the two discussions may feed into and reinforce each other.
13. In order to ensure that the discussion of the General Survey on employment effectively addresses member States' needs, the Governing Body developed a questionnaire which aims, among other things, to collect information that will allow to make an assessment of the impact and continuous relevance of the instruments under review, including Convention No. 122, as well as to identify technical assistance needs. As far as this Convention is concerned, the plan of action is going to build on the information furnished through the General Survey, so as to identify specific needs in terms of overcoming eventual obstacles to ratification and effective implementation, and should serve to pinpoint the target areas for assistance.

Previously conducted General Surveys and recent developments on labour inspection and tripartite consultations

14. General Surveys on the other two areas covered by the governance instruments, labour inspection and tripartite consultations, were carried out by the CEACR and discussed by the Conference Committee on the Application of Standards in 2006 and 2000 respectively. They also provide a basis for identifying targets for the promotion of Conventions Nos 81, 129 and 144.³
15. With regard to Conventions Nos 81 and 129, in November 2006 the Office submitted to the Governing Body, through the Committee on Employment and Social Policy, proposals for a strategy to modernize and reinvigorate labour inspection, including through the promotion of the ratification and application of Conventions Nos 81 and 129.⁴ Following the discussion of these proposals, the Governing Body invited the Office to develop, evaluate and implement a strategy to support the modernization and reinvigoration of

³ *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IB), International Labour Conference, 95th Session, Geneva, 2006; *Report of the Committee on the Application of Standards*, Part One, *Provisional Record* No. 24, International Labour Conference, 95th Session, Geneva, 2006; *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IB), International Labour Conference, 88th Session, Geneva, 2000; and *Report of the Committee on the Application of Standards*, Part One, *Provisional Record* No. 23, International Labour Conference, 88th Session, Geneva, 2000.

⁴ GB.297/ESP/3.

labour inspection, with international collaboration as required to achieve these goals.⁵ The Programme and Budget for 2008–09 delineated a strategy to promote the ratification and implementation of ILO standards relevant to labour inspection and to provide technical assistance for tripartite labour inspection audits and the formulation and implementation of national action plans.⁶ A series of activities took place in this context, notably a number of tripartite labour inspection audits and follow-up activities to strengthen labour inspection and ensure the effective application of Conventions Nos 81 and 129 in selected countries.

16. A new ILO programme was recently established to assist constituents in promoting decent work by strengthening labour administration machinery, including labour inspection, and making them more effective. The strategy to be pursued in this framework is delineated in the Programme and Budget for 2010–11 and includes a number of activities at both global and national levels, such as helping member States to undertake audits of labour inspectorates, develop national action plans to enhance the effectiveness of labour inspection, and secure training for labour inspectors. Given the synergies between this programme and the plan of action, a solid partnership will be maintained with a view to ensuring the best implementation of the plan of action. The synergies are confirmed by the targets and indicators introduced in the programme and budget, which measure progress in the implementation of the new programme's strategy on the basis of progress made in applying the basic provisions of Conventions Nos 81 and 129.
17. With regard to Convention No. 144, after the adoption of the resolution concerning tripartism and social dialogue at the 90th Session of the Conference (June 2002), a campaign for its ratification was launched in November 2002. Through promotional activities, 20 new ratifications were obtained between 2002 and 2008.

*Launch of a promotional campaign by the
ILO Director-General*

18. In March 2009, the Governing Body adopted a plan of action for a promotional campaign for the ratification and effective implementation of the governance Conventions, along with the ratification campaign that is under way for the eight fundamental Conventions.⁷
19. As a result, the Director-General launched a promotional campaign by including the four governance Conventions in the letters he annually sends to the member States that have not ratified the eight fundamental Conventions. Member States that have not ratified all governance instruments are thereby requested to provide information on: the most recent examination of the Conventions with a view to ratification and its outcome; ratification prospects and/or obstacles to ratification; and technical assistance needs with regard to ratification and implementation. The first report on replies received is submitted to the Governing Body at its present session.
20. This promotional campaign, launched at the highest level of the ILO, will serve as a key element in the framework of the plan of action. In November 2009, the Office will start submitting annual reports to the Governing Body on progress achieved. These reports will provide first-hand and periodically revised information on the obstacles to ratification, as well as on the technical assistance provided to address the needs identified by national constituents and the supervisory bodies with regard to the ratification and implementation of the four governance instruments. The information gathered through the campaign will help identify the priorities and targets for action at country level and the feedback obtained every year will provide an objective basis for evaluating the impact of the assistance and adjusting the plan of action accordingly.

⁵ GB.297/14(Rev.), para. 57.

⁶ ILO: *Programme and Budget for 2008–09*, Geneva, 2007, para. 280.

⁷ GB.304/LILS/4, para. 31; and GB.304/PV, para. 210(i)(a).

Adoption of an ILO response to the crisis

21. As part of the ILO's response to the crisis, in June 2009 the Conference adopted the Global Jobs Pact, which contains a commitment on behalf of governments and of workers' and employers' organizations, to work together with a view to placing the aim of full and productive employment and decent work at the heart of the responses to the current financial, economic and jobs crisis. Among other things, the Global Jobs Pact emphasizes that priority attention should be devoted to protecting and growing employment through sustainable enterprises, quality public services and building adequate social protection for all (paragraph 9). It refers to the role of international labour standards in creating a basis for and supporting rights at work and contributing to building a culture of social dialogue, particularly useful in times of crisis. Thus, the Pact recognizes that a number of international labour Conventions and Recommendations are relevant to recover from the crisis, including the ILO instruments concerning employment policy, labour inspection and social dialogue mechanisms (paragraph 14).
22. Implementation of the Global Jobs Pact is currently the highest priority on the agenda of the ILO. Its follow-up is certain to have an impact on the promotion of the four governance Conventions. Consequently, the plan of action will integrate any developments in this regard, in order to ensure that all synergies are enhanced and utilized for the effective promotion of the four strategic objectives in the context of the crisis.

Follow-up to the conclusions of the International Labour Conference on promoting rural employment for poverty reduction

23. In June 2008 the Conference held a general discussion on promoting rural employment for poverty reduction.⁸ The follow-up to the conclusions reached during this discussion will be reviewed by the Governing Body at its current and next sessions. The Governing Body will examine in particular: (i) the need to determine the impact of prior activities focused on rural employment (to be discussed in November 2009); and (ii) the need to determine the gaps in coverage and barriers to the ratification of international labour standards and their implementation in rural areas, and to promote the ratification and effective application of labour standards relevant to rural areas, as well as the extension of national labour laws to all rural workers (to be discussed in March 2010).
24. The conclusions on rural employment for poverty reduction (conclusions on rural employment) include (in Annex II) a list of the international labour standards relevant to the promotion of rural employment and the four governance instruments figure among them as a high priority, immediately after the eight fundamental Conventions.
25. In addition to Convention No. 122, which is closely related to the question of promoting rural employment, Convention No. 129 on labour inspection in agriculture has a direct impact on the promotion of decent conditions of work in the rural sector. The latter Convention is the least ratified of the four governance instruments and special focus needs to be placed on its promotion. The follow-up to the conclusions on rural employment may therefore create the appropriate context for the promotion of Convention No. 129, thus adding impetus to the plan of action and leading to further synergies in promoting the ratification and application of this instrument.

2. Emphasizing the linkages among the four governance instruments

26. As decided during the 304th Session of the Governing Body, the new campaign to promote the ratification and effective implementation of the governance instruments will be based on a strategy emphasizing the interdependence and interaction between the objectives of

⁸ ILO: *Provisional Record* No. 15, International Labour Conference, 97th Session, Geneva, 2008.

the Conventions. The aim of the interaction between the four instruments is to promote employment while strengthening national systems for ensuring compliance with labour standards, particularly through labour inspection and the active participation of employers and workers and their organizations in tripartite consultations. While Convention No. 122 focuses on the generation of employment, Conventions Nos 81, 129 and 144 are a prerequisite to ensuring that such employment is “decent” through the observance of international and national labour standards. The analysis below highlights the various linkages between the four governance instruments and the ways in which they relate to the implementation of all four strategic objectives.

27. Convention No. 122 requires ratifying States to declare and pursue an active policy designed to promote full, productive and freely chosen employment, in consultation with workers' and employers' representatives. Such a policy shall aim to ensure that there is work for all who are available for and are seeking work; that such work is as productive as possible; and that there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his or her skills and endowments in, a job for which he or she is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin. The Convention provides that this policy shall take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices. This Convention concerns a subject that lies at the heart of decent work, the promotion of full and productive employment. It is closely linked to Convention No. 144 as it constitutes a specific application of the principle of tripartism in the specific area of employment policies, and serves to ensure that the social partners are effectively involved in discussions that are essential to maintaining the appropriate balance between the imperatives of economic development and social justice. As noted above, moreover, the relevance of this instrument to the current context of crisis is obvious and marked.
28. Convention No. 144 requires ratifying States to operate procedures that ensure effective consultations between representatives of governments, employers and workers on all matters regarding the adoption, ratification, supervision and denunciation of international labour standards. This includes tripartite consultations on placing items on the agenda of the Conference, submissions to parliaments of newly adopted ILO standards, the re-examination of unratified Conventions and Recommendations, reports on ratified Conventions, and proposals for denunciations of ratified Conventions. This instrument is a reflection of the special role that tripartism has played within the ILO since its creation. Through Convention No. 144 the principle of tripartism governing the adoption of standards is extended to the process of their implementation at the national level. The ratification and effective implementation of this Convention is key to the effective implementation of all other international labour standards, including the other three governance Conventions, the improved functioning of the ILO supervisory mechanism, and the fulfilment of the constitutional obligations of ILO member States. Furthermore, Recommendation No. 152, which accompanies Convention No. 144, enlarges the scope of the tripartite consultations by suggesting that such consultations also be held on the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations, ILO technical cooperation activities, action to be taken in respect of decisions by the Conference and, in general, measures to promote a better knowledge of ILO activities. Thus, the effective implementation of Convention No. 144 and its accompanying Recommendation can make an important contribution to implementing the plan of action itself for the promotion of the governance Conventions, which relies on collaboration between governments and employers' and workers' organizations.
29. Convention No. 81 requires ratifying States to establish a system of labour inspection for workplaces in industry and commerce, with the possible exception of mining and transport. It sets out a series of principles concerning the fields covered by labour inspection, the

functions and organization of the system of inspection, the recruitment, status and terms and conditions of service of labour inspectors, and their powers and obligations. The Convention provides for collaboration between the labour inspectorate and employers' and workers' organizations. It also provides that the labour inspectorate has to publish and communicate to the ILO an annual report indicating the general functioning of its services on a number of issues. Convention No. 129 is similar in content to Convention No. 81 and requires ratifying States to establish a system of labour inspection in agriculture. A functioning labour inspection system is a prerequisite for the effective implementation of international labour standards and national legislation on working conditions and the protection of workers.

30. In particular, the obligation contained in Conventions Nos 81 and 129 to publish and communicate to the ILO an annual report on the work of the labour inspection services is key as these reports are an extremely valuable tool in assessing the extent to which national legislation on working conditions and the protection of workers are enforced in the major sectors of the economy (industry, commerce and agriculture). Good quality reports reflect the organization, human and material resources, scope and results of the labour inspection system. They provide national authorities with a regular means for assessing the extent to which the available resources match requirements and they are an invaluable source of practical information and data that are indispensable to the ILO supervisory bodies for the evaluation of the application not only of these two Conventions, but also of a large number of other ratified Conventions, as well as of the efforts made by the governments concerned in this regard. Comments from employers' or workers' organizations concerning these annual reports are a very valuable additional tool for the promotion of social dialogue and a source of information for the ILO supervisory bodies to carry out their mission effectively. Finally, annual reports can furnish important information on the implementation of the plan of action and the results obtained.

3. Building national institutions and capacities through tripartite collaboration

31. The above analysis shows that the four governance instruments play a central role in building the institutions and capacities which make it possible to achieve substantive and continuous progress in the implementation of the four strategic objectives and the rule of law more generally. Consequently, the plan of action will focus essentially on building social dialogue (in a wide sense) and labour inspection institutions. Moreover, the building of national capacities to maintain and effectively use these institutions in the long run is an integral part of the plan of action and an essential means to ensure the long-term sustainability of results and continuous improvements in the realization of decent work.

32. The assistance to be provided through the plan of action, in close collaboration with the tripartite constituents, will focus primarily on the provision of expert advice on institutional design and on capacity building, in particular through training. In other words, the priority will be to identify and promote the institutions and capacities that will enable constituents to implement the four governance Conventions in the national context and make continuous and sustained progress in their application in the future. Making continuous and sustained progress in the implementation of the four governance instruments is essential for the effective promotion of the four strategic objectives.

33. The action plan spans over six years in order to ensure a medium- to long-term engagement with the countries concerned as in most cases time and continuity play an important role in achieving long-term sustainability. The criteria for the selection of target countries will include:

- The existence of significant obstacles to ratification or implementation identified by the supervisory bodies or through country replies to the Director-General's promotional campaign.

- The agreement of constituents to commit to promoting ratification and/or improving the implementation of the governance instruments at national level with ILO assistance.
- National conditions, circumstances and needs as well as the priorities expressed by the representative organizations of employers and workers as provided for in the Social Justice Declaration.

34. Tripartism is a common element in the four governance instruments. As a result, the plan of action will use this common element to achieve their effective promotion. In particular, representatives of governments and the social partners will be involved in the country selection process. Where tripartite structures are not already present, national tripartite committees will be formed in order to elaborate a country action plan identifying the specific activities to take place at national level, and oversee their implementation. National tripartite committees can also contribute to the inclusion of country action plans in national development strategies, Decent Work Country Programmes, and United Nations (UN) programming processes, such as the Human Rights Based Approach (HRBA), the Common Country Assessments of the UN Assistance Development Frameworks (CCA/UNDAF) and Poverty Reduction Strategy Papers (PRSPs). Constituents may also carry out elements of the plan of action, e.g. training, through regional and subregional cooperation. Where such cooperation appears feasible, the role of the Office will be to stimulate it and provide the necessary advice and facilities.

4. Ensuring Office-wide collaboration

35. As noted, the promotion of the four governance instruments constitutes a shared objective that permeates numerous activities throughout the ILO, at headquarters, in the field and at the Turin Centre, on the basis of the targets and indicators set in the Strategic Policy Framework 2010–15 and the Programme and Budget for 2010–11. An integral part of the plan of action is therefore to ensure Office-wide cooperation in promoting the ratification and effective application of the four governance instruments.
36. The indicators and targets set in the Programme and Budget for 2010–11 in relation to international labour standards reflect a firm commitment to ensure that transparent and tangible progress is made in the ratification and application of the governance instruments over the next biennium. In particular, a target of 55 member States is set for progress in the application of international labour standards, including the governance instruments, other than the fundamental Conventions (indicator 18.1). In at least five countries, ILO action should lead to the ratification of up to date Conventions including at least the core labour standards and those regarded as most significant from the viewpoint of governance (indicator 18.3). These targets are to be reached through the use of regular budget and extra-budgetary resources and through concerted work throughout the ILO at both headquarters and in the field. As part of the plan of action to enhance the effectiveness of standards, the International Labour Standards Department (NORMES) has sought extra-budgetary resources by submitting a technical cooperation proposal aimed at strengthening the ratification and implementation of international labour standards guided by the ILO supervisory bodies. The proposal includes as a priority the implementation of the governance instruments. It will serve as the main vehicle to implement the present plan of action.
37. In addition to the targets and indicators that make specific reference to the ratification and application of international labour standards, the Programme and Budget for 2010–11 contains indicators and targets focusing on strengthening labour inspection systems (indicator 11.2), integrating employment policies in development frameworks (indicator 1.1), and establishing or strengthening tripartite social dialogue mechanisms (indicator 12.1). Delivering on these targets is an Office-wide responsibility and may have

- an obvious impact on the ratification and effective implementation of Conventions Nos 81 and 129, and 122 and 144.
38. As a result, the plan of action will focus on enhancing synergies with other ILO activities that have an impact on the promotion of the four governance instruments. The follow-up to the Global Jobs Pact, the recurrent discussion on employment and the conclusions on rural employment constitute a major priority for the ILO. The implementation of the plan of action should be adjusted accordingly and become, to the extent possible, an integral part of them.
 39. One of the objectives of the plan of action will be to strengthen links and collaboration across the Office, especially with the relevant technical departments at headquarters and in the field, where the formulation and implementation of Decent Work Country Programmes takes place, in order to effectively integrate the governance instruments in all activities, technical cooperation projects, Decent Work Country Programmes and UN programming processes (CCA/UNDAF, PRSPs) that focus on employment, labour inspection and social dialogue.
 40. The ratification of the governance instruments and the comments made by the supervisory bodies on their application could serve as measurable and transparent indicators of progress in the framework of technical cooperation projects and Decent Work Country Programmes. Thus, additional efforts will be made to ensure that the four governance instruments are systematically brought to the attention of governments and the social partners during the consultations for the elaboration of Decent Work Country Programmes. This will be done through the national tripartite committees overseeing the implementation of the plan of action at national level.
 41. As regards the provision of expert advice on institutional design, close collaboration will be maintained with all relevant departments, in particular those dealing with employment, social dialogue, and labour inspection, as well as with the bureaux for workers' and employers' activities. Collaboration could include, for instance, the provision of technical advice by international labour standards specialists in field offices in the context of the design and implementation of technical cooperation programmes in these areas; regular and mutual exchange of information on technical assistance needs, notably those identified through the Director-General's promotional campaign and technical cooperation projects; information sharing on the progress made in the application of Conventions Nos 81, 122, 129 and 144, in order to inform the comments of the supervisory bodies. It may also involve sharing tools for evaluating progress made and training labour inspectors, government officials and the social partners.
 42. With regard to capacity-building activities, the existing solid partnership with the Turin Centre will be reinforced with a view to rationalizing the mobilization effort and make the best possible use of human and financial resources, as most training activities will be planned and carried out at the Turin Centre or with its assistance. The plan of action will include, as an integral part, a major effort to train national officials (including labour inspectors), and workers' and employers' organizations, on the provisions of the four governance instruments so as to build national capacities for implementation and appropriate monitoring. Activities currently carried out at the Turin Centre include capacity building for important actors in the development and implementation of international labour standards, including constituents, judges, lawyers, parliamentarians, the media and non-governmental organizations. They are being extended to include labour inspectors.
 43. Finally, the plan of action will seek to reinforce existing synergies with public-private partnerships like the Better Work Programme, which verifies improvements in the compliance with national legislation and international labour standards along the supply chains of international buyers.

5. Technical assistance and cooperation

44. This action plan has two interlinked objectives: achieving widespread ratification and promoting effective implementation of the four governance Conventions. In this framework, activities will focus on helping the tripartite constituents in ILO member States to:

- become aware of the significance of the governance instruments and assess the country's ability to implement them, prior to ratification;
- address implementation gaps and build national institutions and capacities, notably through training, both prior to and following ratification.

45. The action plan addresses the two aspects. Activities prior to ratification will include the following:

- Awareness-raising on the relevance of the Conventions to national conditions (and the flexibility they incorporate) for the benefit of national officials, including labour inspectors and the social partners. In appropriate cases, high-level tripartite missions could target countries whose ratification of the Conventions is identified as strategically significant because they are key regional leaders that can more rapidly ratify than other countries in their region, and would later cooperate in helping them move towards ratification.
- Carrying out preliminary gaps analyses and impact assessments, to provide information to the national constituents on the specific implementation gaps and the measures to be taken to make ratification or full implementation possible.
- Providing model implementing legislation and other advisory services to assist countries where existing legislation is insufficient to implement the Conventions. Individual assistance should be made available on the steps to be taken or ways to address problems encountered, with a view to ratification and full implementation. Due to the nature of the four governance Conventions and the linkages between them, the assistance provided will unavoidably focus on institutional design and capacity building. Countries with considerable experience or that represent best practices in the areas concerned can serve as focal points at the regional or subregional level.
- Sharing knowledge and expertise, including best practices, among constituents in implementing the four Conventions. The exchange of information could take place through subregional and regional seminars and workshops.
- Training for the preparation of annual labour inspection reports, the benefits of which are highlighted above.

46. Activities to accompany countries in their efforts to address implementation gaps after ratification on the basis of the guidance provided by the comments of the supervisory bodies are likely to represent the main bulk of the plan of action, given the relatively high levels of ratification of most governance instruments. These activities will include the following:

- Legal advice on the development of new legislation and regulations in the relevant areas. This will focus essentially on designing and building institutions concerning labour inspection systems and tripartite social dialogue mechanisms. Collaboration with the relevant technical units will be ensured in this framework.
- Strengthening the capacities of governments and the social partners in the areas of employment policy, social dialogue and labour inspection.

- Assistance to States to identify funding sources for administrative costs needed to create and strengthen national capacity.
 - Training of the tripartite constituents, judges, members of parliament, labour inspectors, policy-makers, academics, media and the public in general in order to ensure effective implementation of the Conventions. A major partner in this regard will be the Turin Centre.
 - Training for labour inspectors on the preparation and submission of periodic reports in order to enable the labour inspection central authority to publish an annual report.
 - Strengthening of data collection and reporting capacities on these Conventions.
 - Documentation and exchange of experiences and good practices (for instance, the publication of thematic practice guides on the implementation of the governance Conventions, and the development of training materials on these instruments and the related reporting to the ILO supervisory bodies).
47. Many of the activities enumerated above can take place in the framework of specialized meetings that will be organized at the regional and national levels to motivate countries to begin ratification procedures or undertake steps for the effective implementation of the instruments. In addition to this, the promotion of the governance Conventions needs to be effectively integrated into major events like the regional, subregional and national seminars and meetings to be organized in the context of the follow-up to the Global Jobs Pact, the recurrent discussion on employment and the follow-up to the conclusions on rural employment.
48. The Office would also make full use of the ILO's tripartite structure, in particular through national tripartite committees, as leverage to ensure the effective promotion and implementation of the governance instruments in the context of national consultations, including for the formulation of Decent Work Country Programmes, but also in the framework of the HRBA, CCA/UNDAF, PRSPs, and so on. Tripartite subregional and regional seminars will be organized for constituents and relevant international organizations to promote a better inclusion of the governance instruments in these processes.
49. As noted above, the action plan would be implemented primarily in the framework of a major technical cooperation project aimed at strengthening the capacity of constituents to ratify and implement international labour standards, including the four governance instruments, as a major priority. Subject to the availability of resources, the proposed project will focus on 25 countries over a period of six years. Since the governance instruments are one of its priorities, it is expected that technical cooperation resources will be devoted to their promotion in all project countries.

6. Information sharing

50. Information sharing is an important aspect of the plan of action. As noted above, many recently launched activities, especially the promotional campaign on the four governance instruments, the preparation of a General Survey and a recurrent discussion on employment and the follow-up to the conclusions on rural employment – along with past activities such as the two General Surveys on labour inspection and tripartite consultations – will certainly generate a wealth of information on the state of national law and practice in relation to these instruments and related technical assistance needs. As a result, a major part of the plan of action will be the development of the information tools that will enable the Office and the constituents to effectively manage and share this information as appropriate.

51. Databases on the four governance instruments should be built, gathering and streamlining the information collected through the various processes under way. On the basis of these databases, country profiles could be generated indicating the level of application of a governance instrument in law and practice in a specific member State. The profiles could also serve as input in the framework of developing indicators for the measurement of progress towards decent work, currently under preparation by the Office on an experimental basis, as a follow-up to the Social Justice Declaration.
52. As part of efforts to communicate more effectively and promote the visibility of the governance instruments, the following activities could also be envisaged:
 - Knowledge tools, such as practice guides and electronic presentations, developed in cooperation with the social partners and interested governments in order to summarize and address application issues (institutional design, capacity building).
 - Videos, posters, leaflets and other promotional material targeting governments and the social partners and highlighting the benefits of ratification and full implementation of the four governance instruments.
 - Redesigning the ILO web site to highlight and promote the Conventions and to provide interested parties and the general public with immediate technical and general information about them.
 - E-learning tools on international labour standards, including the governance instruments.
53. Finally, a series of activities to facilitate the sharing of experiences, lessons learned and good practices among member States is envisaged.
 - An annual regional seminar in each of the five regions, bringing together ILO tripartite constituents, experts and researchers to discuss and disseminate experiences and lessons learned, and to devise strategies for enhancing the ratification and implementation of international labour standards, with a focus on the four governance instruments.
 - An annual interregional seminar at the Turin Centre, bringing together ILO tripartite constituents, experts and researchers to discuss and disseminate experiences and lessons learned and to devise strategies for enhancing the ratification and implementation of international labour standards, with a special focus on the governance instruments.

III. Action plan goals and objectives

Primary goals

- To help ensure widespread ratification of the four governance Conventions, given their central importance to the promotion of decent work and the rule of law.
- To lay a firm foundation for ensuring effective national implementation and enforcement of the instruments through, notably, the development of national institutions and capacities. The aim is to achieve long-term sustainable results by achieving the objectives of the four Conventions, namely:
 - the establishment and sustainable functioning of procedures for the adoption and periodic revision of employment policies, in consultation with employers' and workers' representatives;
 - the establishment and sustainable functioning of an effective system of labour inspection in industry, commerce and agriculture for the achievement, both in law and in practice, of decent working conditions;

- the establishment and sustainable functioning of procedures for effective tripartite consultations on international labour standards;
- increased participation of employers' and workers' representatives in tripartite consultations.
- To support the ILO's overall targets as set out in the Strategic Policy Framework 2010–15 and the Programme and Budget for 2010–11, by strengthening the role of international labour standards in creating a basis for and supporting rights at work, and contributing to building a culture of social dialogue, particularly useful in times of crisis.
- Ultimately, to promote employment, while strengthening national systems for ensuring compliance with labour standards, particularly through labour inspection and tripartite consultations.

Strategic goals

End-2010

- Elaboration of country profiles on the basis of information provided through the ILO supervisory bodies and other information available to the Office. Selection of target countries.
- Tripartite agreement at national level and, if possible, establishment of national tripartite committees (where tripartite structures do not already exist) and country action plans in at least 25 focus countries.
- Integration of country action plans in Decent Work Country Programmes under preparation and other UN programming processes under way in the countries concerned.
- Development and dissemination of promotional packages and tools to build capacity on ratification and implementation of the governance Conventions (posters, leaflets, practice guides, e-learning tools).
- Adjustment of the action plan to any synergies emerging from the follow-up to the Global Jobs Pact, recurrent discussion on employment, and the conclusions on rural employment.

End-2011

- At least ten ratifications and/or cases of progress noted by the supervisory bodies in the application of Conventions Nos 81, 122, 129 or 144. Ratification of Convention No. 129 (which is the least ratified) achieved in at least two of these cases.

End-2012

- At least ten additional ratifications and/or cases of significant new progress noted by the supervisory bodies in the application of Conventions Nos 81, 122, 129 or 144. Ratification of Convention No. 129 (which is the least ratified) achieved in at least two of these cases.

End-2013

- At least ten additional ratifications and/or cases of significant new progress noted by the supervisory bodies in the application of Conventions Nos 81, 122, 129 or 144. Ratification of Convention No. 129 (which is the least ratified) achieved in at least two of these cases.

End-2014

- At least ten additional ratifications and/or cases of significant new progress noted by the supervisory bodies in the application of Conventions Nos 81, 122, 129 or 144. Ratification of Convention No. 129 (which is the least ratified) achieved in at least two of these cases.

End-2015

- At least ten additional ratifications and/or cases of significant new progress noted by the supervisory bodies in the application of Conventions Nos 81, 122, 129 or 144. Ratification of Convention No. 129 (which is the least ratified) achieved in at least two of these cases.

Operational objective

54. The operational objective of this action plan is to promote and enable the widespread ratification and effective application of the four ILO governance Conventions, taking into account the guidance of the ILO supervisory bodies in the countries identified as targets under this action plan and in related technical cooperation proposals. The objective will be reached through:

- preparing and disseminating promotional materials and information resources on Conventions Nos 81, 122, 129 and 144;
- continuous exchange of information between the ILO and the selected focus countries;
- effective use of information available in the Office on the governance Conventions;
- rapid and effective support to member States aiming to ratify and implement Conventions Nos 81, 122, 129 and 144;
- evaluation of the ability of member States to ratify and effectively apply Conventions Nos 81, 122, 129 and 144 on the basis of tripartite consultations;
- sustainable involvement of governments and the social partners in the promotion of Conventions Nos 81, 122, 129 and 144;
- assisting member States in designing and establishing functioning labour inspectorates and social dialogue mechanisms and procedures;
- capacity building of government officials, labour inspectors and the social partners, notably through training on labour inspection, social dialogue and employment policies;
- training national labour authorities and inspectors on the preparation of annual reports;
- coordinating activities throughout the Office (headquarters, the field and the Turin Centre) on the basis of the targets and indicators set in the Strategic Policy Framework 2010–15 and the Programme and Budget for 2010–11;
- sharing and updating information on the obstacles to ratification and the technical assistance needs identified by the national constituents and the supervisory bodies, as well as the relevant action of the Office;

- integrating the promotion of the four governance instruments in the follow-up to the Global Jobs Pact, the recurrent discussion on employment and the conclusions on rural employment;
- effectively integrating the governance instruments in technical cooperation projects and Decent Work Country Programmes as well as UN programming processes (CCA/UNDAF, PRSPs, etc.) which focus on employment, labour inspection and tripartite consultations/social dialogue.

IV. Indicators⁹

- Ratification of one of the four governance Conventions.
- Communications by member States of decisions taken to ratify or progress towards ratification of the governance Conventions.
- The development, tabling or adoption of national legislation necessary for ratification or application.
- Communications by member States of decisions to take steps for the effective application of the governance Conventions.
- Requests for assistance for purposes of ratification or implementation of the governance Conventions, notably requests from national authorities for legal opinions or advice necessary for ratification.
- Establishment of social dialogue mechanisms, including functioning tripartite consultations procedures, and of labour inspection institutions, or improvements in their functioning.
- Endorsement of national employment policies adopted in consultation with the social partners.
- Annual labour inspection reports published and communicated to the ILO.
- Positive comments (expression of interest or satisfaction) made by the supervisory bodies as to the application of the governance Conventions.
- Inclusion of country action plans for the ratification and implementation of the governance instruments in Decent Work Country Programmes, development assistance frameworks or other major initiatives.
- Number of labour inspectors trained.
- Number of social partners trained.
- Number of government officials trained.
- Use of information systems established to effectively manage and share the information generated on the governance instruments (number of accesses).

⁹ These indicators are consistent with those introduced in the Programme and Budget for 2010–11 and progress in their realization contributes to the implementation of the related targets set in the programme and budget.

V. Activities**First year (0–12 months)**

- Submission of technical cooperation proposal on the promotion of the four governance Conventions and identification of funding sources.
- Elaboration of country profiles on the basis of information provided through the ILO supervisory bodies and the promotional campaign of the ILO Director-General. Establishment of target countries.
- Selection of 25 focus countries on the basis of tripartite agreement at the national level.
- Establishment of national tripartite committees, if possible and where necessary, and elaboration of country action plans in the 25 focus countries.
- Steps (consultations, training) to integrate country action plans into Decent Work Country Programmes under preparation and other UN programming processes under way in the countries concerned.
- Adjustment of the action plan to any synergies emerging from the follow-up to the Global Jobs Pact, the recurrent discussion on employment, and the conclusions on rural employment.
- Placing promotion of the governance instruments on the agenda of regional meetings, organized as a follow-up to the Global Jobs Pact, the recurrent discussion on employment and the conclusions on rural employment.
- High-level tripartite missions to key countries for advocacy and awareness-raising purposes, where necessary.
- Development and dissemination of promotional packages, with tools to raise awareness and build capacity on the ratification and implementation of the governance Conventions (posters, leaflets, practice guides, e-learning tools).
- Development of training materials.
- Setting up (an) information system(s) to manage and share information on the four governance Conventions.
- Submission of progress report to the Governing Body.

Years 2–6 (13–72 months)

- Continuation of the awareness-raising activities begun in the first year, including regional and international promotional activities.
- Assistance to carry out gaps analyses, comparative legal reviews and impact assessments at national level, to determine areas of adjustment.
- Needs assessments with respect to possible legislative, infrastructural and training needs at national, subregional or regional level.
- Legal advice on the development of new legislation.

- Assistance in designing and implementing improvements in national institutions.
- Provision of training for capacity building addressed to government officials, labour inspectors and the social partners.
- Development and dissemination of model implementing legislation.
- Assistance to States to identify funding sources for administrative costs needed to create and strengthen national capacity.
- Strengthening of data collection and reporting capacities, including through annual inspection reports.
- Subregional and regional seminars to promote better inclusion of the governance instruments in the CCA/UNDAF and PRSP processes.
- At the end of each year, evaluation by the national tripartite committees and the Governing Body of the difficulties faced by ILO Members that have not been able to make progress towards ratification and implementation, and adjustment of country action plans.

VI. Institutional inputs

55. The action plan would be the overall responsibility of NORMES. However, it would be delivered in collaboration with the relevant technical units, including the bureaux for employers' and workers' activities. NORMES coordinators on the governance Conventions and standards specialists from field offices and the Turin Centre would form a team dedicated to the implementation of the action plan. In addition to the ILO experts normally engaged in promotional and supervisory work in NORMES, the team would be supplemented with a full-time professional staff member specifically assigned to serve the action plan programme. Short-term expert consultants and external collaborators with relevant Professional experience would also be required for ad hoc contributions to the preparation and delivery of the various activities.

VII. Monitoring and evaluation

56. The progress of the action plan would be regularly monitored and evaluated by the Governing Body, which mandated its elaboration. In addition, tripartite committees would follow up on implementation at the national level. Monitoring and evaluation would take place in accordance with standard ILO procedures.