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Institutional Section

INS

FOR INFORMATION

Measuring decent work: Gateway to the findings of the ILO supervisory bodies on the application of fundamental principles and rights at work

Overview

Summary

This paper provides information on consultations on a project to establish a gateway to the findings of the ILO supervisory bodies on the application of fundamental principles and rights at work.

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References to other Governing Body documents and ILO instruments

GB.301/17/6, GB.309/18/2, GB.310/17/5.

ILO Declaration on Social Justice for a Fair Globalization.

1. At its meeting in March 2011, the Governing Body took note of the report prepared by the Office¹ and requested further consultations on the purpose and scope of the initiative concerning the establishment of a gateway to the findings of the ILO supervisory bodies on the application of ILO fundamental principles and rights at work.²
2. The Office organized a second consultation with the participation of representatives from the Workers' and Employers' groups, and Government representatives from the regional groups. The consultation took place on 16 September 2011 at the ILO, in Geneva. This report provides information on the development of the work and the September consultation.

Background

3. In 2008, the ILO Declaration on Social Justice for a Fair Globalization reaffirmed the need for appropriate means that could enable both the Office and constituents to monitor and evaluate progress towards decent work for all.³ In September 2008, following the request of the Governing Body,⁴ the Office organized a Tripartite Meeting of Experts on the Measurement of Decent Work. From the outset there was broad agreement that rights at work should constitute an integral part of any proposed method.⁵ However, it was also agreed that, while some other aspects of implementation of decent work can be readily addressed with conventional statistics, other aspects of implementation of rights at work are inherently more qualitative and do not lend themselves as much to statistical measurement.⁶
4. The experts stressed that relying on the number of ratifications of ILO Conventions or of cases initiated before the ILO Committee on Freedom of Association could introduce significant measurement error.⁷ Methods such as coding of textual sources dealing with

¹ GB.310/17/5.

² Within the discussion held at the Committee on the Application of Standards on "Information and reports on the application of Conventions and Recommendations" during the 100th Session of the International Labour Conference, Employer members noted that a pilot project had been undertaken by the Office to construct a methodology ... [and] requested that this exercise be undertaken with extreme care and that ACT/EMP and ACTRAV be fully involved in the development of this methodology which they expected would eventually be used to develop parameters to measure progress in the application of other ratified Conventions" (*Record of Proceedings* No. 18, Part I, International Labour Conference, 100th Session, Geneva, 2011, para. 54).

³ This commitment was echoed in the accompanying resolution requesting the Office to "strengthen the research capacity, knowledge base and production of evidence-based analysis", and in the ILO Knowledge Strategy that called for dedicated effort to compile information on the rights at work pillar of the Decent Work Agenda and to communicate this knowledge to support progress towards decent work for all.

⁴ GB.301/17/6.

⁵ See ILO: *Measurement of decent work*, Discussion paper for the Tripartite Meeting of Experts on the Measurement of Decent Work, Geneva, 8–10 September 2008 (TMEMDW/2008), paras. 11 and 72; Tripartite Meeting of Experts on the Measurement of Decent Work: Chairperson's report (Geneva, 8–10 September 2008), para. 70.

⁶ See TMEMDW/2008, para. 84.

⁷ See TMEMDW/2008, para. 36; Tripartite Meeting of Experts on the Measurement of Decent Work: Chairperson's report, op. cit., para. 27.

national legislation were considered to be more capable of addressing the specific nature of labour standards and their application.⁸

5. The experts also agreed that within the legal framework for decent work particular attention should be paid to the implementation of fundamental principles and rights at work and recommended considering whether the template on the legal framework should be complemented by additional indicators for the four fundamental principles and rights at work. To this end two complementary proposals were endorsed by the experts and the Governing Body: (i) to provide a textual description of the legal framework and data on the actual application of rights, as well as on benefit levels and coverage and other relevant aspects in decent work country profiles; and (ii) to develop indicators for countries' compliance with the four fundamental principles and rights at work.⁹

Developing the method

6. Since 2009, a pilot project has been undertaken by the Office to construct a method to meet the request of the 2008 Meeting of Experts regarding fundamental principles and rights at work and in particular in relation to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
7. The 2008 Tripartite Meeting of Experts and the following discussions at the Governing Body set the main requirements and attributes of the method. As requested, the primary objective of the method was to document the situation in a base year and then to record progress made towards the application of these rights. This would necessitate a transparent and objective method based on a standard coding framework with clear and sufficiently detailed evaluation criteria to define compliance. The experts also agreed that the method should be reproducible and consistent with the work of the ILO supervisory bodies and should utilize the information generated by them.¹⁰ Comments of the ILO supervisory bodies provide an authoritative source of information, while cases of progress reported by the Committee of Experts on the Application of Conventions and Recommendations (i.e. where member States have made changes in law and practice which improved the application of ratified Conventions) provide an indication of progress on specific issues. It was suggested that this information be summarized in a way that is accessible and linked to the source.¹¹
8. Following these guidelines, the method developed – as described in the related working paper¹² – is based on coding the findings of the ILO supervisory system and compiling and providing this information in a readily accessible and concise manner. The four building elements of the method are: (i) the premises of definitional validity, reproducibility and transparency; (ii) the list of coding criteria used to code issues raised

⁸ See TMEMDW/2008, para. 12.

⁹ See Tripartite Meeting of Experts on the Measurement of Decent Work: Chairperson's report, op. cit., paras. 70 and 74–76.

¹⁰ *ibid.*, paras. 72 and 75.

¹¹ See TMEMDW/2008, para. 75.

¹² D. Sari and D. Kucera: *Measuring progress towards the application of freedom of association and collective bargaining rights: A tabular presentation of the findings of the ILO supervisory system*, Policy Integration Department Working Paper No. 99 (Geneva, ILO, 2011). Available at: http://www.ilo.org/integration/resources/papers/WCMS_150702/lang--en/index.htm.

by the ILO supervisory bodies in relation to these rights; (iii) the ILO textual sources selected for coding; and (iv) the general and specific coding rules. As a final product, a table is assigned to each member State providing detailed and verifiable information that can be easily traced back to the original ILO textual source. As such, the system sets up a gateway that, by summarizing hundreds of pages of ILO reports for each member State, facilitates access to and enhances visibility of the comments made by the ILO supervisory system as a means of presenting issues of compliance and progress at the national level.

Consultation process, latest developments and outcomes

9. To ensure transparency and the involvement of constituents, individual reports on this segment of the work were prepared for the Governing Body for its November 2010 and March 2011 sessions,¹³ while tripartite consultations were held on two occasions, in February 2011 and September 2011.
10. At the last consultation (September 2011), representatives of the Office provided a detailed presentation on the background, the objectives and benefits of the method and described its key elements. One of the representatives explained how the method, through the collection and provision of transparent and credible information, aims to enhance the knowledge base of the ILO and its supervisory bodies and support countries in monitoring progress, identifying gaps and areas of improvement. She also noted the potential use of the method as an instrument to identify needs and focus the provision of technical assistance to member States. She stressed its potential cost and time saving for the ILO as a whole and reassured participants that no additional reporting would be required from governments and that the work would not entail additional costs over the 2012–13 budget. She emphasized that the gateway could provide an important stimulus to dialogue and targeted assistance with member States.
11. Another representative of the Office presented a dummy website constructed for an online database, as a possible way of presenting the results of the coding. She explained that the website would provide a research tool allowing users to search the findings of the ILO supervisory bodies in different manners (i.e. by country, by year and by the actual issues noted by the ILO supervisory bodies). She emphasized that the aim is to make the considerable amount of information available from the ILO supervisory system more accessible, transparent and manageable. She noted that the information would be comprehensive and accurate, as the navigation path would allow users to go to the source (e.g. the report of the Committee of Experts on the Application of Conventions and Recommendations (CEACR)), and the exact paragraph where a comment was made by the ILO supervisory bodies.
12. Participants thanked the Office for convening the consultation and welcomed the presentations and the latest developments concerning the proposed website. Representatives, however, raised concerns over the use of this instrument and were hesitant whether it would be able to meet the objectives as agreed in 2008 at the Tripartite Meeting of Experts.
13. The representative of Brazil, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), referred to the strong feeling in the group that there were imbalances concerning the existing information in the ILO supervisory mechanism and warned that as access to information is rather uneven, the supervisory system does not

¹³ GB.309/18/2, GB.310/17/5.

always reflect completely or accurately the situation within a country or a region. He expressed serious reservations whether the method could thus provide an objective view over progress and stressed concerns that it could lead to comparison between countries based on an unequal footing and would provide an inappropriately negative image of certain regions and countries.

14. The representative of the Employers' group agreed with the need to compile more and better information on the application of fundamental principles and rights at work. Nevertheless, she expressed reservations concerning the objectivity and content of the proposed evaluation criteria and relating definitions and had doubts whether the results could be used to construct a ranking.
15. Several Government representatives, together with the representative of the Workers' group, acknowledged and emphasized the potential usefulness of the proposed method. They reiterated its promise for summarizing existing but scattered information in a clear and objective manner, for strengthening the ILO's knowledge base, for identifying technical cooperation needs and for demonstrating progress achieved over time. Reacting to previous statements, the representative of the Workers' group warned that if the ILO did not undertake and lead such an initiative, other, less adequate, organizations would do so, and called on the Office to adopt the same method in relation to the other fundamental principles and rights at work.
16. During the discussion, concerns were also raised with regard to the potential budget implications of the project, and participants noted the confusion that exists as to how the project relates to measuring decent work. In light of the importance of the issue, participants agreed that proceeding with the work requires careful consideration and the close involvement of constituents.
17. Responding to the comments from participants, the Office provided further information on how the feasibility of the method is guaranteed, in terms of both the work and the budget necessitated by the project. Concerning existing imbalances in the supervisory mechanism, the representative of the Office explained how the method, by focusing on the content instead of the number of complaints, could help to reduce such imbalances in information and how it could lead to a strengthened dialogue between member States and the supervisory bodies and thus to a more accurate reflection on country situations.
18. The Office acknowledged that, as had been expressed in particular by GRULAC, the evolution of the project had made the title "measuring decent work" somewhat of a misnomer. The result of the project was in effect a gateway to the publicly available information in reports of the standards supervisory bodies. The findings of the project could then be integrated in the newly developed NORMLEX platform, which will be the main component of the legal track of the upcoming ILO's central gateway. It was thus potentially very useful especially in light of the Office's efforts to enhance knowledge management and better target ILO technical assistance. It was therefore suggested that the Office give further consideration to the design of this information tool or gateway in light of the comments received, undertake further consultations and in due course report to the Governing Body.

Geneva, 4 November 2011

Submitted for information