



## Governing Body

319th Session, Geneva, 16–31 October 2013

GB.319/INS/2

Institutional Section

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### SECOND ITEM ON THE AGENDA

## Agenda of the International Labour Conference (2015 and beyond)

#### Purpose of the document

To submit to the Governing Body proposals to complete the agenda of the 104th Session (2015) of the Conference as well as proposals for the agenda of the 105th Session (2016) and beyond of the Conference, in light of the decisions taken at the 317th Session (March 2013) of the Governing Body and the discussions and outcomes of the 102nd Session (June 2013) of the Conference.

The Governing Body is invited to take decisions concerning the agenda of the Conference or provide guidance (see the draft decisions in paragraph 13).

**Relevant strategic objective:** All four strategic objectives.

**Policy implications:** A decision to select items for the agenda of the 104th Session (2015) and beyond of the Conference will have the implication for the programme of the Conference of the sessions in question of the Conference.

**Legal implications:** The usual implications arising from the application of the Standing Orders of the Conference and the Standing Orders of the Governing Body.

**Financial implications:** The usual implications of placing items on the Conference agenda and with respect to items for which preparatory meetings are proposed.

**Follow-up action required:** Preparatory work of the Conference discussions, including the organization of preparatory meetings.

**Author units:** The following departments of the Policy portfolio: International Labour Standards, Employment Policy, Enterprises, Sectoral Activities, Governance and Tripartism, Conditions of Work and Equality; the following department of the Field Operations and Partnerships Portfolio: Partnerships and Field Support.

**Related documents:** GB.317/INS/2(Rev.), GB.317/PV (paras 3–39), GB.316/INS/4, GB.316/PV(&Corr.) (paras 8–55), GB.317/WP/GBC/1, GB.317/INS/10, GB.319/WP/GBC/1.

## Introduction

1. At its 317th Session (March 2013), the Governing Body decided to complete the agenda of the 103rd Session (2014) of the Conference by selecting the following two items: (i) supplementing the Forced Labour Convention, 1930 (No. 29), to address implementation gaps to advance prevention, protection and compensation measures, to effectively achieve the elimination of forced labour (standard setting, single discussion); and (ii) facilitating transitions from the informal to the formal economy (standard setting, double discussion).
2. Concerning the agenda of the 104th Session (2015) of the Conference, the following decisions have already been taken: (i) a second discussion on the standard-setting item “Facilitating transitions from the informal to the formal economy”; and (ii) the recurrent item discussion on the strategic objective of social protection (labour protection) under the recurrent discussion cycle. At its 317th Session (March 2013), the Governing Body decided to defer its decision to complete the agenda of the 104th Session (2015) of the Conference to its 319th Session (October 2013).<sup>1</sup>
3. The Governing Body is called upon to complete the agenda of the 104th Session (2015) of the Conference and to begin discussions for the selection of items for the agenda of the 105th Session (2016) of the Conference and beyond.
4. The Governing Body’s attention is drawn to the following two matters. First, in response to the requests made at the 316th Session (November 2012) of the Governing Body and comments made during tripartite consultations on the agenda of the Conference, the Office sent a communication to all ILO member States, and the secretariats of the Employers’ and Workers’ groups inviting them to make suggestions concerning the agenda of the Conference for the consideration of the Governing Body.<sup>2</sup> These suggestions should reach the Office by November of each year which would enable an evaluation and preparation of these suggestions by the Office for consideration by the Governing Body at its March session of the following year. Second, the Report of the Director-General to the 102nd Session (2013) of the Conference proposed, among the ILO centenary initiatives, that the ILO undertake the evaluation of the steps taken to promote the implementation and the impact of the Declaration on Social Justice for a Fair Globalization, 2008 (the Social Justice Declaration).<sup>3</sup> The report recalled that the evaluation is to be realized by the Conference “at a time and according to modalities to be determined by the Governing Body” and added that “it seems appropriate to give early consideration to such a review”.<sup>4</sup> Thus, in due course, the evaluation of the impact of the Social Justice Declaration will

<sup>1</sup> GB.317/INS/2(Rev.); GB.317/PV, paras 3–39. Since the 317th Session (March 2013) of the Governing Body, the issues relating to the process of setting the Conference agenda have been included in the discussions on improving the functioning of the International Labour Conference; see GB.319/WP/GBC/1.

<sup>2</sup> Article 14, paragraph 1 of the Constitution provides as follows: “The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the government of any of the Members or by any representative organisation recognised for the purpose of article 3, or by any public international organisation.”

<sup>3</sup> Report of the Director-General: *Towards the ILO centenary: Realities, renewal and tripartite commitment*, International Labour Conference, 102nd Session, 2013, Report I(A), 155(1).

<sup>4</sup> *ibid.*, para. 84.

have to be placed by the Governing Body on the agenda of future sessions of the Conference.<sup>5</sup>

5. In preparing the present document, the Office has taken into account the comments made during the 316th (November 2012) and 317th (March 2013) Sessions of the Governing Body concerning both the formulation and the substance of the proposals.<sup>6</sup> The Office has also taken into account the discussions which took place at the 102nd Session (2013) of the Conference, and the related outcomes.
6. Before addressing the substance of the proposals, it should be briefly recalled that pursuant to the ILO Constitution,<sup>7</sup> the Standing Orders of the International Labour Conference,<sup>8</sup> and the Standing Orders of the Governing Body,<sup>9</sup> the agenda of the Conference is composed of two parts consisting respectively of standing items and ad hoc items. The following standing items are required to be included by the Governing Body on the Conference agenda each year:
  - reports of the Chairperson of the Governing Body and of the Director-General;
  - financial and budgetary questions; and
  - information and reports on the application of Conventions and Recommendations.
7. It has also become the practice to normally include on the Conference agenda three additional ad hoc items to be examined, either in a general discussion and/or with a view to standard setting. For standard-setting items, a double discussion is the norm but a single discussion may be held depending on the decision of the Governing Body.
8. Following the adoption of the Social Justice Declaration, which has introduced the scheme of recurrent discussions by the Conference on the strategic objectives of the Organization,<sup>10</sup> the Governing Body decided that recurrent discussions would follow a seven-year cycle, with employment, fundamental principles and rights at work and social protection being discussed twice during the cycle and social dialogue once.<sup>11</sup> On this basis, the Governing Body has included a recurrent discussion as an item on the Conference agenda for each session within the seven-year cycle<sup>12</sup> according to the following sequence: employment (first recurrent discussion, 2010), social protection (social security) (first recurrent discussion, 2011), fundamental principles and rights at work (first recurrent discussion, 2012), social dialogue (2013), employment (second

<sup>5</sup> GB.319/INS/3/1.

<sup>6</sup> See the request made by the group of industrialized market economy countries (IMEC); para. 28, GB.316/PV(&Corr.).

<sup>7</sup> ILO Constitution, articles 14(1) and 16(3).

<sup>8</sup> Rules for the Conference, General Standing Orders, articles 7, 7bis and 8.

<sup>9</sup> Standing Orders of the Governing Body, section 5 and paragraph 6.2.

<sup>10</sup> ILO Declaration on Social Justice for a Fair Globalization, 2008, Part II(A)(i).

<sup>11</sup> GB.304/PV, para. 183(b).

<sup>12</sup> The modalities for the recurrent discussion are decided by the Governing Body, ILO Declaration on Social Justice for a Fair Globalization, 2008, Annex, Part II(B).

recurrent discussion, 2014), social protection (labour protection) (second recurrent discussion, 2015), fundamental principles and rights at work (second recurrent discussion, 2016).

## A. Completing the agenda of the 104th Session (2015) of the Conference

9. Table A below provides an overview of seven proposals and the related decisions that might be taken by the Governing Body. Five of these proposals are made with a view to general discussions and two with a view to standard setting. All these proposals were mentioned in the document submitted to the 317th Session (March 2013) of the Governing Body. Appendices I to VII of this document detail each of these proposals, including as regards their origins and the level of support garnered during previous discussions in the Governing Body and any relationship to other proposed items where applicable.<sup>13</sup>

**Table A. 104th Session (2015) of the Conference**

| Proposal  | Nature             | The Governing Body is invited to:  |
|---|--------------------|--|
| 1. Decent work in global supply chains (Appendix I)   | General discussion | Provide guidance on the inclusion of this proposal in the agenda of the 104th Session (2015) of the Conference |
| 2. Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) (Appendix II) | Standard setting   | Provide guidance on the inclusion of this proposal in the agenda of the 104th Session (2015) of the Conference |
| 3. Effective ILO technical cooperation in a changing global context (Appendix III)  | General discussion | Provide guidance on the inclusion of this proposal in the agenda of the 104th Session (2015) of the Conference |
| 4. Violence against women and men in the world of work (Appendix IV)  | Standard setting   | Provide guidance on the inclusion of this proposal in the agenda of the 104th Session (2015) of the Conference |
| 5. Building a diverse and inclusive world of work (Appendix V)  | General discussion | Provide guidance on the inclusion of this proposal in the agenda of the 104th Session (2015) of the Conference |
| 6. Small and medium-sized enterprises and employment creation (Appendix VI)   | General discussion | Provide guidance on the inclusion of this proposal in the agenda of the 104th Session (2015) of the Conference |
| 7. Public sector: Workforce development, career progression and employment conditions in the public sector (Appendix VII)   | General discussion | Provide guidance on the inclusion of this proposal in the agenda of the 104th Session (2015) of the Conference |

<sup>13</sup> See IMEC's request; GB.316/PV(&Corr.), para. 28.

## B. Proposals for the agenda of the 105th Session (2016) of the Conference

10. The agenda of the 105th Session (2016) of the Conference already includes the second recurrent discussion on fundamental principles and rights at work within the cycle of the recurrent discussions. In addition, the Governing Body is invited to consider any of the proposals which would not be retained for the 104th Session (2015). As regards the proposal concerning “decent work in global supply chains”, it should be noted that if it is not selected on the agenda of the 104th Session (2015) of the Conference, consideration should be given to include it on the agenda of the 105th Session (2016) of the Conference.<sup>14</sup>

## C. Guidance and options for future sessions of the Conference

11. In order to enhance the effectiveness and the transparency of the agenda-setting process, if one of the seven proposals set out in table A is not selected for the agenda of either the 104th Session (2015) or the 105th Session (2016) of the Conference, it would be important that the Governing Body provides clear guidance to the Office as to whether such a proposal should be retained for future sessions of the Conference. This guidance may include any steps that the Office should take to enable further examination by the Governing Body.
12. Further, during discussions at the 316th (November 2012) and 317th (March 2013) Sessions of the Governing Body, as well as at the 102nd Session (2013) of the Conference, other suggestions for the agenda of the Conference were identified. The Office proposes to undertake follow-up actions in this regard to enable the Governing Body, at the appropriate time, to consider their merit as possible proposals for future agendas of the Conference. Table B provides an overview of the options and the related follow-up actions proposed by the Office. Details are provided in Appendix VIII.

**Table B. Future sessions of the Conference**

| Options   | Proposed follow-up  |
|---|---|
| 1. Resolution of labour dispute (Appendix VIII, paras 1–5)                            | To carry out research activities in 2014–15, on the performance of national systems of dispute prevention and resolution as suggested by the Committee for the Recurrent Discussion on Social Dialogue of the 102nd Session (2013) of the Conference. |
| 2. Transition of the world of work to a low carbon economy (Appendix VIII, paras 6–9) | Subject to the availability of resources, to convene a meeting of experts as a follow-up to the conclusions “achieving decent work, green jobs and sustainable development” adopted by the Conference at its 102nd Session (2013).                    |

<sup>14</sup> Paragraph 12(16) of the conclusions adopted by the Conference concerning the recurrent discussion on social dialogue: “consider including, through its Governing Body, an item for discussion on decent work in global supply chains at an International Labour Conference, not later than 2016, in light of support expressed during this recurrent discussion”; see *Provisional Record* No. 11, International Labour Conference, 102nd Session, Geneva, June 2013.

| Options  | Proposed follow-up   |
|--|--|
| 3. Non-standard forms of employment (Appendix VIII, paras 10–13) | Subject to the availability of resources, to initiate the research and convene a meeting of experts during the second semester of 2014 to increase the knowledge base on non-standard forms of employment and the related policies with a view to making proposals regarding possible follow-up action, including the desirability of a standard-setting activity. |
| 4. Long-term unemployment (Appendix VIII, para. 14)              | To include the topic in the report prepared for the recurrent discussion on the strategic objective of employment to be held at the 103rd Session (2014) of the Conference.  |
| 5. Labour migration (Appendix VIII, para. 15)                    | To follow-up at the 320th Session (March 2014) of the Governing Body, in light of the outcome and recommendations of the Tripartite Meeting on Labour Migration which will take place in November 2013.  |

### **Draft decisions**

#### **13. In light of the above,**

**(a) with reference to table A, and according to its usual practice, the Governing Body is invited to complete the agenda of the 104th Session (2015) of the Conference by selecting one of the seven following proposed items:**

- (i) decent work in global supply chain (general discussion);**
- (ii) decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) (standard setting, double discussion);**
- (iii) effective ILO technical cooperation in a changing global context (general discussion);**
- (iv) violence against women and men in the world of work (standard setting, double discussion);**
- (v) building a diverse and inclusive world of work (general discussion);**
- (vi) small and medium-sized enterprises and employment creation (general discussion);**
- (vii) public sector: workforce development, career progression and employment conditions in the public sector (general discussion);**

**(b) with reference to the agenda of the 105th Session (2016) of the Conference, the Governing Body is invited to:**

- (i) select one or two proposed items from the proposals not retained for the agenda of the 104th Session (2015) of the Conference; and/or**
- (ii) postpone a decision to complete the agenda of the 105th Session (2016) to its 320th Session (March 2014);**

- (c) *as regards future sessions of the Conference, the Governing Body is invited to provide guidance to the Office regarding:*
- (i) *the removal from its consideration of proposed items set out in table A and which have not been retained either for the agenda of the 104th (2015) or the 105th (2016) Sessions of the Conference, or any other measures that would enable further examination; and*
  - (ii) *the follow-up to be undertaken in respect of the five options set out in table B.*

## Appendix I

### Decent work in global supply chains (general discussion)

#### *Nature and context of the proposed item*

1. At its 316th and 317th Sessions (November 2012 and March 2013), the Governing Body discussed a proposal consolidating two earlier proposals on decent work in global supply chains (GSCs) and in export processing zones (EPZs) into a single proposal for a general discussion. At the 317th Session, the Africa group, Denmark, Germany, United States and the Workers' group supported the proposal. The International Labour Conference, at its 102nd Session (June 2013) adopted the conclusions concerning the recurrent discussion on social dialogue, requesting the ILO to "consider including, through its Governing Body, an item for discussion on decent work in global supply chains at an International Labour Conference, not later than 2016".<sup>1</sup>
2. The present proposal takes into account the comments and suggestions made at the Governing Body in November 2012 and March 2013, and in the framework of the discussion on the Report of the Director-General to the 102nd Session (2013) of the International Labour Conference as well as the Conclusions concerning the recurrent discussion on social dialogue adopted by the Conference at its 102nd Session (2013).

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

3. The concept of GSCs refers to the internationalization of supply chains through coordinated trade. GSCs are characterized by a fragmentation of the production process into a network of actors (including workers and their organizations and businesses) and relationships, that provide goods, services and information adding value to the product.<sup>2</sup> It is a way global businesses have been organizing to develop more cost-effective production systems and expanding the markets for their products and services by taking advantage of the deepening of globalization through increased liberalization of trade, new information and information technologies and more effective transport models, among others. GSCs, some of which include operations in EPZs, have a major impact on the structure of labour markets across the world and have led to significant changes in the international division of labour and in trade flows between countries.<sup>3</sup>
4. GSCs are a principal means through which many developing countries are linked to the global economy, and have resulted in significant enterprise and employment creation and growth. In addition, GSCs can contribute to the dissemination of knowledge and productive technologies across economies at different stages of development, thereby improving performance and productivity. At the same time, there is a debate on the

<sup>1</sup> See paragraph 12(16) of the conclusions concerning the recurrent discussion on social dialogue, *Provisional Record* No. 11, International Labour Conference, 102nd Session, Geneva, June 2013.

<sup>2</sup> In current academic literature, the distinction between "global supply chains" and "global value chains" is generally captured through the "adding value" to the product. In this context, the description of global supply chains refers de facto to global value chains.

<sup>3</sup> According to the UNCTAD World Investment Report 2013, GSCs account for 80 per cent of global trade (p. x).

implications of GSCs for the quantity, quality and distribution of employment and revenues throughout the world. GSCs have also received increased attention as a result of recent accidents, highlighting the need to better understand how to maximize their potential to generate growth and productive employment, while addressing questions concerning the application of international labour standards and the realization of decent work.

5. Having historically proliferated in manufacturing, GSCs are gaining importance in many more economic sectors such as agriculture, fishing, business services and transport, further underlining the need to reinforce the sectoral approach to decent work. Many global businesses have developed codes of conduct and private auditing systems in response to growing pressure and expectations that they be not only responsible for their own operations but also for labour practices of their trading partners, including suppliers, logistic providers and intermediaries, many of them operating in countries with important governance gaps. A greater understanding is needed of work arrangements and employment opportunities which GSCs can generate and the resulting decent work challenges at the sector-specific level.
6. Many governments, employers' and workers' organizations are keenly interested in gaining a better understanding of how engagement with GSCs can help national and local economies and communities to grow in a sustainable and inclusive manner, promote jobs and contribute to realizing decent work for all.
7. Employers' organizations consider that GSCs overall represent opportunities for positive economic and social development, value creation, income, wealth and the absorption of previously excluded workers. At the same time employers' organizations are mindful that a proliferation of codes of conduct and monitoring regimes may give rise to additional costs and uncertainty for enterprises, without necessarily resulting in improved working conditions. There is also concern that enterprises are expected to shoulder responsibilities that should be met by governments.
8. Workers' organizations express concern that the organization of production around GSCs often generates costs for society and compromises rights at work, in particular in the areas of freedom of association, collective bargaining and social dialogue. Workers' organizations increasingly criticize the private monitoring systems set up by global businesses for not involving workers in their design or implementation and for not contributing to advance freedom of association and collective bargaining.
9. Multinational enterprises (MNEs) and Global Union Federations (GUFs) have negotiated a number of international framework agreements (IFAs), which, in addition to regulating labour-management relations across GSCs also aim to promote compliance with core labour standards. Thus, the organization of production along GSCs has created new challenges and space for cross-border social dialogue.

### ***Added value of a general discussion***

10. Despite the great importance of GSCs in shaping the world of work, the Conference has not yet had the opportunity to discuss the issue as a whole and to address the aspects related to its core mandate. A general discussion would cover the ILO's four strategic objectives, virtually all areas of critical importance, as well as cross-cutting issues of gender equality and non-discrimination. It would offer an important opportunity for the Conference to review the existing body of research, constituents' strategies, policy options,

as well as the many initiatives related to GSCs that make reference to the promotion of labour standards.<sup>4</sup>

### ***Expected outcome***

11. Conclusions emanating from a general discussion could offer important guidance to constituents as well as clarify and reaffirm the ILO's mandate and identify ways for the Organization to increase policy coherence and support its constituents in addressing opportunities and challenges in the promotion of decent work in global supply chains. The conclusions could play an important role in identifying potential areas for inter-agency work and future ILO action, including in the effective promotion of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy at the global and country level, research, capacity-building needs and standards-related outcomes.

### ***Preparation of the Conference discussion***

12. The report for the Conference would build on the knowledge base acquired through research and programme delivery and policy guidance provided by, inter alia, tripartite sectoral meetings, by the work related to the promotion of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and by other Conference discussion outcomes. To support this discussion, new research would also need to be undertaken by the Office.

<sup>4</sup> These initiatives include a growing number of IFAs, the inclusion of certification systems in trade agreements, sustainable procurement, socially responsible investment, the United Nations Global Compact, the OECD Guidelines for Multinational Enterprises, the United Nations Guiding Principles on Business and Human Rights, and numerous initiatives by private bodies, such as the International Organization for Standardization (ISO).

## Appendix II

### **Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) (standard setting, double discussion)**

#### ***Nature and context of the proposed item***

1. The question of revising the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), was first discussed in the Governing Body in November 1998. Subsequently, the Working Party on Policy regarding the Revision of Standards requested information on the need to replace this Recommendation.<sup>1</sup> The Governing Body considered the possibility of revising Recommendation No. 71 in November 2002 in the context of the agenda of the Conference.<sup>2</sup> More recently, at the 316th Session (November 2012) of the Governing Body, this proposal garnered support from the Employers' group, the Workers' group, the Africa group and the Government of the United Kingdom. At the 317th Session (March 2013), the Employers' group referred to the proposal among "issues that might be useful for future work ... on the agenda of future sessions". The proposal was supported again by the Workers' group and the Africa group, as well as by the Governments of Brazil and Japan.
2. Recommendation No. 71 adopted a visionary approach. It addressed the issue of restoring peace through employment following armed conflict. It was adopted in 1944 in the specific context of the Second World War. The contexts and approaches to post-conflict recovery have evolved significantly in recent decades. Major geopolitical changes have led to an increase in internal armed conflicts, often sparked by ethnic or religious differences. Natural resources and their scarcity are increasingly playing a destabilizing role, and climate change is further exacerbating patterns of inequality. In parallel, significant experience has been gained in addressing a variety of crisis situations.
3. Faced with the challenges of contemporary conflict situations, the concern of the United Nations and the wider development community to rebuild post-conflict societies through decent work is reflected in the United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration (the "UN Policy").<sup>3</sup> The UN Policy was the result of several years of joint study and work led by the ILO and the United Nations Development Programme (UNDP) which engaged a significant number of United Nations bodies as well as other UN specialized agencies. In line with the principles of the Social Justice Declaration, the UN Policy aims to scale up and maximize the impact, coherence and efficiency of sustainable employment and decent work.
4. Recommendation No. 71 is currently the only international labour standard that provides guidance and identifies mechanisms needed to help rebuild post-conflict societies through employment. A revised instrument, framed more closely in the current context of multifaceted conflicts, and their interrelationship with environmental degradation and natural and human-made disasters, encompassing substantive elements of decent work,

<sup>1</sup> GB.274/LILS/WP/PRS/3, II.3. and GB.274/LILS/4(Rev.1).

<sup>2</sup> GB.285/2.

<sup>3</sup> United Nations, Geneva, 2009.

would strengthen adherence to the UN Policy and provide essential support for peace-building efforts.

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

5. In view of its unique tripartite structure and experience, the ILO has a clear comparative advantage in promoting decent work in post-conflict situations and a crucial role to play in reconstruction and development efforts in post-crisis situations.
6. Employment and income generation are vital in post-conflict situations to achieve short-term to long-term stability, socio-economic reintegration and sustainable peace. Various summits and institutions have reiterated the importance of decent work and the need to enhance its impact through the concrete measures outlined in the UN Policy. The programmes developed and implemented in the past two decades by the ILO and other partners have yielded important lessons for effective action. An updated and expanded Recommendation would provide guidance in strengthening the support provided by ILO constituents for crisis-response operations through enhanced preparedness, the mitigation of potential impacts in high-risk countries and increased resilience during crises based on decent work.

### ***Added value of a standard-setting action***

7. Recommendation No. 71 – including the 11 principles set out therein – does not offer a progressive and coherent approach to crisis management, but rather proposes solutions to one-off and isolated problems, without prioritizing the issues requiring urgent action and those necessitating longer term measures. In contrast, the UN Policy takes a different approach. Its first guiding principle, “be coherent and comprehensive”, calls for the avoidance of “isolated and fragmented responses” and highlights the need for multifaceted and interlinked interventions. The UN Policy is based on three programming “tracks”, each of which has a specific objective and addresses specific challenges. While the tracks vary in intensity, they should be implemented simultaneously.<sup>4</sup>
8. The ILO can build on this UN guidance and add value by providing for updated tripartite guidance and engagement, emphasizing the role of tripartite constituents in designing and implementing employment policies and programmes as part of building peace, security and disaster resilience and the role of relevant international labour standards. The revision of Recommendation No. 71 would provide the ILO with a unique opportunity to pursue its mandate of promoting social justice and to achieve universal peace.

### ***Expected outcome***

9. A revised standard concerning “Decent work for peace, security and disaster resilience”, would enhance the Organization’s effectiveness in the field of peace building and provide a universal normative framework for countries facing the complexities of contemporary emergencies and conflicts. The implementation of the revised standard in countries exposed to conflicts and cyclical disasters could be reinforced through the development of a plan of action which the revised instrument could provide for and could support the elaboration of Decent Work Country Programmes (DWCPs).

<sup>4</sup> The first of these tracks focuses on the need for an urgent response to satisfy basic needs and provide care for certain particularly vulnerable groups; the second focuses more on the recovery of the local economy; and the third on the creation at the national level of an economic and legal framework to encourage long-lasting and sustainable peace.

***Preparation of the Conference discussion***

10. Extensive research and documentation is already available on the subject. The UN Policy, including its related Guidance Note, forms an integral part of that knowledge. The preparatory process would include consultations with the United Nations, and a tripartite consultation process, which might be organized in February 2014, subject to approval of such consultations.

## Appendix III

### Effective ILO technical cooperation in a changing global context <sup>1</sup> (general discussion)

#### *Nature and context of the proposed item*

1. This proposal originates from a suggestion made on behalf of the Employers' group during informal tripartite consultations on the agenda of the Conference in September 2012. At the time, support was expressed from representatives of the Africa group and the group of industrialized market economy countries (IMEC). It was indicated on behalf of the Workers' group that the item should be discussed in the Governing Body. The proposal was first submitted to the Governing Body at its 317th Session (March 2013). The Employers' group referred to the proposal among the "issues that might be useful for future work ... on the agenda of future sessions". The proposal was supported by the Governments of Canada, China, France, India, Italy, Switzerland and the United States. It should be noted that, the agenda of the 319th Session (October 2013) of the Governing Body includes an item "ILO's technical cooperation programme: Trends and perspectives since 2000" to be discussed in the Technical Cooperation Segment of the Policy Development Section. Technical cooperation is an important means of action of the ILO and contributes over 40 per cent of the total resources available to the ILO. It enables the Office to enhance the capacity of constituents, support the achievement of the ILO's strategic objectives and operational outcomes, and implement DWCPs. The proposal is therefore related to, and relevant for, all other items proposed for future sessions of the Conference. Technical cooperation is central to the programme of action of most UN organizations.

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

2. Constituents have frequently stressed the importance of technical cooperation for capacity development and for the achievement of the objectives of the ILO. The proposed general discussion would enable the Office to better align its current and future technical cooperation programme with ILO values, the content of relevant international labour standards as well as the needs, requirements and realities of the ILO's tripartite constituency and the renewed emphasis of developing countries as actors in development cooperation, in accordance with the Social Justice Declaration.

#### *Added value of a general discussion by the Conference*

3. The last general discussion on "The role of the ILO in technical cooperation" took place during the 95th Session (2006) of the International Labour Conference. On that occasion the Conference adopted a resolution which called for a review of the subject five years later. This review did not however take place, and is now overdue. In November 2009, the

<sup>1</sup> The original suggestion referred to a "changing global economic and employment context". The Office proposes to simply refer to a "changing global context" so as to capture other elements as well, such as the aid effectiveness debate and the post-2015 framework.

Governing Body adopted the ILO's technical cooperation strategy and tripartism in the context of the United Nations reform process.<sup>2</sup>

4. The general discussion would situate the ILO's technical cooperation programme within a changing internal and external context, and could provide guidance for a substantial increase in scope, size and effectiveness of this programme and its alignment with the strategic objectives and cross-cutting issues of the Social Justice Declaration and the areas of critical importance provided for under the Programme and Budget for 2014–15. In particular, a general discussion would enable the necessary linkages to be made with the outcomes of the recurrent item discussions providing coherence with the ILO technical cooperation strategy.
5. In the course of 2013 the Office will undertake, under the Director-General's reform agenda, internal reviews of field operations and technical cooperation which have a direct bearing on the proposed general discussion. Four principal external factors underscore the importance and timeliness of the proposed general discussion:
  - The UN General Assembly adopted in December 2012, Resolution 67/226 on the quadrennial comprehensive policy review (QCPR) which establishes "key system-wide policy orientations" for development cooperation for the 2013–16 period. Specialized agencies are strongly "encouraged" to take those into account in their own operational programmes.
  - There are ongoing processes for the drawing up of an international development agenda that will build on and succeed the Millennium Development Goals (MDGs) as well as address the three dimensions of sustainable development (the economic, social and environmental) as reaffirmed at the Rio +20 Conference. The ILO's technical cooperation and its contribution to the UN's operational activities for development after 2015 will be informed by the outcome of these processes.
  - Resolution 67/226, the ECOSOC Resolution regarding its implementation,<sup>3</sup> and the ILO Governing Body's ongoing discussions on technical cooperation approaches, including the capacity development of constituents,<sup>4</sup> will provide the basis for the ILO's continued pursuit of a more transparent, accountable and effective development cooperation partnership that yields results at country level.
  - The development environment is evolving rapidly in terms of composition and complexity; overall the official development aid (ODA) has been shrinking in recent years due to fiscal constraints in traditional donor countries and some former recipient countries have become donors. South–South and triangular cooperation is growing in significance, and local authorities, the private sector, foundations and civil society play diverse and increasingly important roles in development cooperation. This trend is reflected in the report of the High-Level Panel which calls for a new global

<sup>2</sup> GB.306/TC/1.

<sup>3</sup> E/2013/L.17.

<sup>4</sup> GB.317/POL/6.

partnership involving these players and stresses the need for transforming economies for jobs and inclusive growth.<sup>5</sup>

6. A general discussion at the Conference would provide guidance to the ILO on its role and position in the new global partnership, within the future international development framework defined by the post-2015 sustainable development goals, as well as with a review of the implementation of the measures requested in the Annex to the Social Justice Declaration.<sup>6</sup>

### ***Expected outcome***

7. The general discussion would provide an opportunity for the ILO to review and revise the technical cooperation strategy adopted by the Governing Body in November 2009 in light of the internal and external changes outlined above. It could set targets for the ILO in terms of resource mobilization, substantial and financial delivery, development partnership diversification, reporting and visibility, and development effectiveness. The strategy could contain a time-bound plan of action aiming at enhancing the scope, size and effectiveness of the ILO's technical cooperation programme, reinforcing tripartism as its main feature and strengthening the fact that it should be based on the content of relevant international labour standards.

### ***Preparation of the Conference discussion***

8. The Conference report would take into account the reform reviews, and a satisfaction survey which would enable ILO constituents, development partners and implementing ILO units and offices to express their views on the relevance and effectiveness of ILO's technical cooperation programme. It will benefit from the on-going field structure review.

<sup>5</sup> *A new global partnership: Eradicate poverty and transform economies through sustainable development*, Report of the High-Level Panel of Eminent Persons on the post-2015 Development Agenda, May 2013.

<sup>6</sup> "The Organization will provide, upon request of governments and representative organizations of workers and employers, all appropriate assistance within its mandate to support Members' efforts to make progress towards the strategic objectives through an integrated and coherent national or regional strategy, including by:

- (i) strengthening and streamlining its technical cooperation activities within the framework of country programmes for decent work and that of the United Nations system;
- (ii) providing general expertise and assistance which each Member may request for the purpose of adopting a national strategy and exploring innovative partnerships for implementation;
- (iii) developing appropriate tools for effectively evaluating the progress made and assessing the impact that other factors and policies may have on the Members' efforts; and
- (iv) addressing the special needs and capacities of developing countries and of the representative organizations of workers and employers, including by seeking resource mobilization (Follow-up to the Social Justice Declaration, Part II(C))."

## Appendix IV

### Violence against women and men in the world of work (standard setting, double discussion)

#### *Nature and context of the proposed item*

1. This proposal is a follow-up to the 2009 Conference resolution concerning gender equality at the heart of decent work. It was considered by the 316th and the 317th Sessions of the Governing Body. At the 316th Session (November 2012) strong support was given by the Workers' group. The Africa Group and the Governments of India and Italy also supported the proposal while IMEC, the Governments of the United Kingdom and Canada supported a general discussion. The Employers' group was not in favour of the proposal but indicated that the question of violence in the world of work should be approached from a broader perspective. At the 317th Session (March 2013), support was given to an amended proposal by the Workers' group, who wanted gender-based violence and sexual harassment to be addressed; the Governments of India and Italy reiterated their support and the Governments of Canada and Mexico also supported the amended proposal. Support was also expressed by the Government of Australia for an inclusion of the proposal on the 103rd Session (2014) of the Conference.
2. There is growing international attention to gender-based violence with the Agreed Conclusions of the 57th Session (2013) of the Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls making specific references to the world of work. At a special session of that Commission, leaders of 11 UN funds, programmes and specialized agencies including the ILO committed to work together to end the scourge of violence against women and girls, with specific mention of eliminating sexual harassment in the workplace. Also in 2013, the WHO Report on global and regional estimates of violence against women found that 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. Eliminating gender inequalities in access to formal wage employment is seen as one way to address this. UN Women is seeking a stand-alone goal on achieving gender equality, women's rights and women's empowerment in the post-2015 development framework, and this goal includes a component on freedom from violence. The UN General Assembly Political Declaration on HIV and AIDS, 2011, has a target and goal on eliminating gender inequalities and gender-based abuse and violence and zero tolerance for gender-based violence.
3. The ILO can bring a contextual enrichment to these efforts by articulating their meaning within its unique world of work mandate. Currently, the ILO addresses the issue in a general way through supervision of existing standards on gender equality, especially the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In addition, the HIV and AIDS Recommendation, 2010, calls for measures to prevent and prohibit both violence and harassment in the workplace, Article 20(3) of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), calls for protection from sexual harassment and Article 5 of the Domestic Workers Convention, 2011 (No. 189), covers gender-based violence. Therefore, while violence and sexual harassment at work is covered by certain ILO standards, gaps remain especially if violence in the wider sense is to be tackled.

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

4. Violence against women and men at work is a global concern. It is linked to changes in work organization, intensity of work, volatility of wages and jobs, and the impact of the economic crisis, with high unemployment and job losses among men leading to increased violence at home spilling into the workplace. Sexual harassment, abuse (whether physical, verbal, emotional or psychological), mobbing, bullying, work-related stress and other forms of violence affect all professions, all sectors, and women as well as men workers. Violence in the world of work is a human rights issue, as well as a health, education, legal and socio-economic problem. There is also a strong business case for eliminating violence against women and men as the costs to enterprises include absenteeism, increased turnover, lower job performance and productivity, and poor public image. For workers it can lead to heightened stress, loss of motivation, increased vulnerability to HIV infection, increased accidents and disability, and even death.
5. This proposal is linked to other proposals currently before the Governing Body in relation to the agenda of the Conference: Building a diverse and inclusive world of work; and Decent work in global supply chains.

### **Added value of standard setting**

6. The ILO already addresses the issue of violence at work through the supervision of its equality standards, as well as those on forced labour, child labour and indigenous peoples. For instance, the Committee of Experts on the Application of Conventions and Recommendations in its 2013 report made 16 observations concerning sexual harassment in employment and occupation and the global report *Ending child labour in domestic work and protecting workers from abusive working conditions* (2013) also highlighted the incidence and range of violence against domestic child labourers. Recent standards that address the issue of violence at work include Convention No. 189 and Recommendation No. 200.
7. New ILO instruments covering all forms of violence in the workplace would reinforce the existing framework of international and regional human rights standards on violence against women in general. Given the variety of approaches at the present time, the issue needs to be addressed within the framework of a more structured approach encompassing the four strategic objectives. They would cover not only discrimination but also socio-economic and legal issues, occupational safety and health and education and would provide a strong basis for a comprehensive approach to combating violence at work covering the four pillars of decent work, and include policy advice, guidance and the need to collect sex-disaggregated data. It would build on ILO expertise in assisting potentially vulnerable groups, including women and men who may be subject to multiple forms of discrimination, such as migrant workers, informal economy workers, domestic workers and those at heightened risk of HIV infection.

### **Expected outcome**

8. A Convention and Recommendation on violence against women and men in the world of work would provide a solid foundation for action by governments, and workers, employers and their organizations. They would provide the elements for a national policy on violence at work, including clear definitions, guidance on the roles, responsibilities and accountability of the tripartite partners, and would emphasize the need for a comprehensive approach and policy coherence going beyond labour and employment issues. Social dialogue and collective agreements would play a pivotal role.

***Preparation of the Conference discussion***

9. Preparatory work for the Conference discussion would be undertaken in coordination with work on areas of critical importance provided for under the Programme and Budget for 2014–15, including the protection of workers from unacceptable forms of work, the informal economy, youth, rural workers and labour inspection and the ILO centenary initiative on women at work and addressing inequality and discrimination. Work would be informed by existing research, as well as possible regional workshops in Africa, Asia and the Americas, consultation with the UN system and other public international organizations.

## Appendix V

### Building a diverse and inclusive world of work (general discussion)

#### *Nature and context of the proposed item*

1. This proposal originates from a suggestion made on behalf of the Employers' group during informal tripartite consultations on the agenda of the Conference in September 2012, reiterated during the 316th Session (November 2012) of the Governing Body. During the 316th Session, the Africa group supported the proposal for the agenda of the 2015 Conference; the Government of the United Kingdom saw its potential merits; and the Government of Canada supported its further consideration. During the 317th Session (March 2013) of the Governing Body, the Employers' group referred to the proposal among "issues that might be useful for future work ... on the agenda of future sessions"; the Governments of Brazil and Canada supported the proposal for future consideration as did the Africa group; and the Government of China supported the proposal. During the discussion of the Report of the Chairperson of the Governing Body to the International Labour Conference for the year 2012–13, some 30 delegates called for addressing issues related to gender equality, indigenous peoples and/or persons with disabilities. ILO standards relevant to the proposal include equal remuneration, equality of opportunity and treatment, maternity protection, workers with family responsibilities, persons with disabilities, indigenous and tribal peoples, age, and persons living with HIV. Relevant ILO research, guidance and outcomes of technical assistance and cooperation activities will also be taken into account.<sup>1</sup> Account will also be taken of relevant action of international organizations.<sup>2</sup>
2. This proposal is linked to other proposals under consideration by the Governing Body in relation to the agenda of the Conference: Violence against women and men in the world of work; and Effective ILO technical cooperation in a changing global context. Links with other proposals are anchored in the non-discrimination principle and include heightened risk of violence as both a symptom of and tool for workplace discrimination.

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

3. Multiple discrimination challenges have been magnified by the global economic crisis, as it has accentuated inequalities faced by the most vulnerable including increased unemployment, reduced remuneration and benefits, and cutbacks in social infrastructure such as child and elder care. Data show that youth, boys and girls, racial minorities,

<sup>1</sup> Research and studies include: *Managing Diversity in the Workplace; Age Discrimination and Older Workers; Technical cooperation and the HIV epidemic – Strengthening capacity to respond; Multiple Discrimination in the World of Work*; case studies on applying the Conventions on maternity protection and on workers with family responsibilities; and joint reports with UN entities such as *International Migration, Racism, Discrimination and Xenophobia*. Technical assistance includes: developing gender-neutral job evaluations; the Indonesia project on women in leadership; the Southern Africa economic empowerment project aimed at reducing HIV vulnerabilities in transport corridors; and the project in Lebanon on protecting migrant domestic workers' rights. An example of ILO public–private partnerships is the ILO Global Business and Disability Network, which focuses on workplace disability inclusion.

<sup>2</sup> Women's Empowerment Principles, a UN Women and UN Global Compact initiative; and multi-stakeholder partnerships promoted under the Convention on the Rights of Persons with Disabilities.

migrant workers, workers living with or affected by HIV and AIDS, older workers, persons with disabilities, and women have been most affected. Tensions are visible around the world concerning national security, religious diversity, race and gender, and it is difficult to separate the overlapping strands of exclusion based on sex and national extraction and ethnic origin, race and religion.

4. Rights-based and business cases are compelling reasons to diversify and render workplaces inclusive. Constituents' needs concern trends such as ageing populations, increasing migration, multiculturalism, and heightened competitiveness in globalized markets. Diversity measures broaden resource pools for employers, and equal opportunities and treatment build stronger businesses and communities.
5. Concerning data relevant to the proposal, estimates are available or being compiled on equality-related standards. Specific needs include capacity building in data gathering and analysis, legislative and policy reform, institutional reassessment regarding national anti-discrimination and gender equality machineries, and awareness and capacity building on diversity and inclusiveness.

### ***Added value of an examination by the Conference***

6. A general discussion would offer the opportunity to engage with contemporary thinking and dialogue, and to reach conclusions that would provide a comprehensive framework for addressing these issues. It would identify concrete guidance and the next steps to be taken by the Office, constituents and within the multilateral system to harness the potential of diversity and inclusiveness. The proposal would provide constituents with innovative good practices to promote inclusiveness, and the Office with concrete guidance on multidisciplinary work to inform technical support to both constituents and the multilateral system. It is especially relevant to the areas of critical importance provided for under the Programme and Budget for 2014–15. In accordance with the Social Justice Declaration, it is aligned with the cross-cutting issues of gender equality and non-discrimination which are integrated into the programmatic outcomes.

### ***Expected outcome***

7. The potential conclusions of an ILC discussion could provide timely and useful guidance to governments, employers' and workers' organizations as well as the ILO on the action and measures that could be taken to build and strengthen a diverse and inclusive workforce.

### ***Preparation of the Conference discussion***

8. The Office has already undertaken considerable research on the application of its equality standards on numerous grounds of discrimination, including gender, sexual orientation and nationality. It has an extensive database on national laws on non-discrimination and equality. The 2009 Conference conclusions concerning gender equality at the heart of decent work provide a solid reference point for the discussion. Issues pertinent to building a diverse and inclusive world of work should be mainstreamed into programmed activities including workshops with constituents. A comprehensive literature review and additional research would be necessary on the economic and business impact and benefits of workplace diversity and the role of industrial relations in this respect.

## Appendix VI

### Small and medium-sized enterprises (SMEs) and employment creation (general discussion)

#### *Nature and context of the proposed item*

1. This proposal originates from a suggestion made on behalf of the Employers' group during informal tripartite consultations in September 2012 and reiterated at the 316th Session (November 2012) of the Governing Body.
2. There is solid empirical evidence that small and medium-sized enterprises (SMEs) are the main job engine across countries and that the majority of net job creation in the private sector can be attributed to this enterprise segment. SMEs are the biggest contributor to formal employment across the globe with an employment share of 67 per cent. In developing countries, SMEs contribute even more to employment with an employment share of almost 80 per cent in low-income countries. More than 90 per cent of the net employment creation can be attributed to SMEs. Job creation dynamics is especially high in the segment of small and young firms. In developing countries where job quality and productivity in SMEs are a major challenge, there is a paucity of empirical data on job quality. Results from Europe indicate that employment quality in SMEs is lower than in large enterprises when comparing wage levels, working time, occupational safety and health (OSH) or job security.
3. The support to SMEs has been a key area of intervention of the ILO. The Office offers an integrated package of six key interventions namely: (1) entrepreneurship education; (2) entrepreneurship and SME management training; (3) women's entrepreneurship training; (4) value chain development; (5) evidence-based policy development for an enabling environment; and (6) training for SMEs on productivity and working conditions. Additional support is provided on access to finance, cooperatives and corporate social responsibility. The advice on core labour standards is an integral part of these interventions.
4. The Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No 189), is the reference guide for work in this field. It provides guidance on policy and legal frameworks, enterprise culture, service infrastructure, and the role of employers' and workers' organizations. The 2007 resolution concerning the promotion of sustainable enterprises provides a strategic approach and detailed guidance on the integrated approach to enterprise promotion, including information on what constitutes a conducive environment for sustainable enterprises, noting that such an environment combines the legitimate quest for profit with the need for development which respects human dignity, environmental sustainability and decent work. Other standards of important relevance, along with fundamental Conventions, are the Employment Policy Convention, 1964 (No. 122), as well as the accompanying Recommendation, 1964 (No. 122), the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), and the Promotion of Cooperatives Recommendation, 2002 (No. 193).<sup>1</sup>

<sup>1</sup> The following instruments are also of important relevance: Labour Inspection Convention, 1947 (No. 81), Labour Clauses (Public Contracts) Convention, 1949 (No. 94), Workers' Representatives Convention, 1971 (No. 135), Maternity Protection Convention, 2000 (No. 183), Human Resources Development Recommendation, 2004 (No. 195), and Employment Relationship Recommendation, 2006 (No. 198).

5. The ILO MNE Declaration provides important guidance concerning the link between SMEs and buyers in supply chains. Finally, the conclusions adopted by the Conference at its 102nd Session (2013) on “Achieving Decent Work, Green Jobs and Sustainable Development” should also be taken into account.

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

6. Because of the importance of SMEs for economic growth and development, job creation and the need to ensure decent working conditions for workers in their operations , many member States have specific policies targeted at SMEs. There is high demand from constituents for Office support in these areas as documented by the fact that two thirds of the ILO member countries with a fully developed DWCP have selected enterprise development as one of their top three priorities.
7. The three factors that often appear in enterprise surveys as most constraining of SME development and employment growth are poor enabling environment, notably red tape and competition from the informal sector; inadequate infrastructure, especially unreliable power supply, but also transportation and water; and lack of access to finance. The factors that are often cited by trade unions in reference to SMEs are the lack of freedom of association, poor coverage of collective bargaining, need to improve OSH and working conditions as well as the need to create a better balance between wages and employer’s revenues.

### ***Added value of an examination by the Conference***

8. In light of the major contribution of SMEs in terms of employment and economic activity, the key question is what type of policies, measures and institutional arrangements which would both support and promote SME development and enable SMEs to create and provide the quality and quantity of jobs are needed. There is no one-size-fits-all approach to the design and implementation of these interventions. The diversity of country situations needs to be recognized and interventions need to follow a coherent and integrated approach that takes into account other policy areas such as industrial, trade, education and training, science and technology, sectoral, and macro policies, while at the same time upholding the ILO universal principles and values.
9. The Director-General addressing the 102nd Session (2013) of the Conference called for more direct engagement of ILO activities with enterprises. As most of the enterprises belong to the SME segment, this important sector needs to be a primary target group.

### ***Expected outcome***

10. Based on updated information on the state of the SME sector, its needs, and successful policies and programmes to promote this enterprise segment, the Conference would provide guidance and focus on the ILO’s approach to SME promotion.

### ***Preparation of the Conference discussion***

11. Possible issues that could be addressed in the report submitted to the Conference are as follows:
  - What are the needs of SMEs and their workers and what constraints do they face, including regarding rights at work and working conditions? How do these needs and constraints vary in services, industrial or agricultural sectors, and by level of development?

- What are successful international strategies to develop SMEs and what has been the ILO approach?
- Are there policies and support programmes that work better than others in terms of job creation and the quality of jobs created? This should include an analysis of interventions promoting rights at work, productivity and working conditions in SMEs.
- What can be done to further improve the enabling business environment as it is a key constraint of SME employment growth?
- How can SME interventions effectively be linked with other policies or programmes such as industrial policies, value chain approaches and skills development policies?
- How can employers' and workers' organizations contribute to creating partnerships in SMEs, in particular through collective bargaining?

## Appendix VII

### **Public sector: Workforce development, career progression and employment conditions (general discussion)**

#### ***Nature and context of the proposed item***

1. This proposed general discussion originates from a suggestion made on behalf of the Employers' group during informal consultations in September 2012, reiterated during the 316th Session (November 2012) of the Governing Body.
2. The proposed item has global scope. The importance of a high quality and efficient public sector is today a key priority. Every member State employs public sector workers, although global statistics are not available. Given that a skilled and motivated public sector workforce is critical to an efficient and effective public sector, it is necessary to offer rewarding and sustainable public sector careers with a view to creating a more skilled and diverse public sector. Public sector reform is currently being undertaken in certain countries, and, in many, governments are developing or implementing new strategies concerning recruitment, selection, performance management and results-based management. At the same time, the interaction between the government as employer and workers and their representatives varies. In many countries, there is still a lack of full recognition of freedom of association and the right to collective bargaining for public sector workers.

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

3. Recently, the international and academic communities have considered ways to maintain quality public services in a context of crisis. The discussion's proposed focus on workforce development, career progression and working conditions would help design plans to make the public sector attractive for skilled professionals to provide quality public services, including in order to meet the Sustainable Development Goals that are under discussion in the context of the post-2015 process and the follow-up to the Rio +20 Conference; and also help identify recent practices, lessons learned and possible areas for future work, while providing guidance for strengthening the action of the public sector (national and local government), including through human resources development, diversity and career progression.

#### ***Added value of an examination by the Conference***

4. A Conference discussion will provide a timely possibility to discuss strategies to strengthen the public sector so it can attract, develop and retain the best talent to provide quality public services which can help improve standards of living, the community and business environment. In recent studies, the ILO has found that weak career planning is a key weakness of labour ministries <sup>1</sup> and recent measures taken in Europe increase the risks of brain drain and of reduced skills of public sector workers. <sup>2</sup> Debt-reduction programmes

<sup>1</sup> See [http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_216424.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_216424.pdf).

<sup>2</sup> Daniel Vaughan-Whitehead, ed., "Public Sector Shock" (ILO, 2013).

implemented during regional financial crises may have reduced the attractiveness of public sector jobs to highly qualified workers. The Conference could provide guidance to help reduce these risks. Current debates would benefit from the ILO's experience on social dialogue and the improvement of working conditions.

5. This discussion would link to areas of critical importance on “Promoting more and better jobs for inclusive growth” and “Jobs and skills for youth”, provided for under the Programme and Budget for 2014–15.
6. The Labour Relations (Public Service) Convention, 1978 (No. 151), provides a framework for negotiations of working conditions, but does not address their contents regarding workforce development or career progression. The Labour Inspection Convention, 1947 (No. 81), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Employment Policy Convention, 1964 (No. 122), the Nursing Personnel Convention, 1977 (No. 149), as well as the Human Resources Development Recommendation, 2004 (No. 195), would provide important guidance and a general discussion could connect these elements into a coherent plan of action.

### ***Expected outcome***

7. A possible outcome of a Conference discussion could be a plan of action that could focus on supporting a public sector that delivers efficient and cost-effective public services with a highly trained, skilled and motivated public sector workforce enjoying fundamental rights at work. The conclusions of the 1998 Joint Meeting on Human Resource Development in the Public Service in the Context of Structural Adjustment and Transition, 14–18 December 1998,<sup>3</sup> provide a good foundation for specific, targeted activities to be suggested by the Conference, for example, to “look more actively and broadly into the social and standards-related implications of international financial and economic policies and programmes, particularly as they relate to human resource development in the context of reforms in the public sector”.
8. The plan of action could also call for specific research, meetings and other activities that might need to be included in future programme and budget proposals.

### ***Preparation of the Conference discussion***

9. Previous ILO work related to this topic include the recent discussions at the International Labour Conference on labour inspection (2011) and on social dialogue (2013), the Global Dialogue Forum on Conditions of Personnel in Early Childhood Education, 22–23 February 2012,<sup>4</sup> and the 1998 Joint Meeting. The UN Division for Public Administration and Development Management has held forums and published studies on these issues.
10. The discussion in the Committee would build upon the work already undertaken by the Office on the public service, education, health services, voluntary negotiations and collective bargaining in the public sector. Broad consultations with constituents would ensure that the report and points for discussion will reflect their needs.

<sup>3</sup> [http://www.ilo.org/public/libdoc/ilo/1999/99B09\\_32\\_engl.pdf](http://www.ilo.org/public/libdoc/ilo/1999/99B09_32_engl.pdf).

<sup>4</sup> [http://www.ilo.org/sector/Resources/recommendations-conclusions-of-sectoral-meetings/WCMS\\_177906/lang--en/index.htm](http://www.ilo.org/sector/Resources/recommendations-conclusions-of-sectoral-meetings/WCMS_177906/lang--en/index.htm).

## Appendix VIII

### Options for future consideration by the Governing Body and related proposed follow-up

**1. *Resolution of labour disputes (Coordination with the action plan following up on the conclusions of the recurrent discussion on the strategic objective of social dialogue)***

1. Three related suggestions were tabled in the context of the informal tripartite consultations on the agenda of the Conference held in September 2012. The first suggestion was submitted on behalf of the Employers' group with a view to a general discussion on "Dispute settlement: Promoting effective dispute settlement mechanisms". The second was put forward on behalf of the Workers' group with a view to standard setting on guiding principles on labour dispute resolution for the effective and swift settlement of labour disputes, in light of the 2012 recurrent discussion on fundamental principles and rights at work. It was also indicated that the issue could be considered in light of the outcome of the recurrent discussion on social dialogue in 2013. The third suggestion was already pending before the Governing Body and concerned a proposed item to promote sound industrial relations through the prevention and resolution of labour disputes, with a view to a general discussion to follow up the conclusions of the Cartier Working Party. In light of the Office's suggestion presented to the Governing Body at its 316th Session (November 2012),<sup>1</sup> it was acknowledged that the topic would first be addressed within the framework of the 2013 recurrent discussion on social dialogue.
2. The report prepared for the discussion of the Committee for the Recurrent Discussion on Social Dialogue hence reviewed trends, challenges and opportunities related to labour dispute prevention and resolution and it also detailed the Office's actions in this area. The Committee discussion and its conclusions both confirmed the significant interest and importance of effective prevention and resolution of labour disputes among ILO constituents. The Employer and Worker Vice-Chairpersons as well as many Government members stressed their necessity for the realization of the rule of law and the promotion of peaceful and productive industrial relations. They also shared their respective country experiences, highlighting the huge diversity among national labour dispute resolution mechanisms and the need for the Office to further analyse what dispute resolution mechanisms work best in different contexts and why. Expanding ILO research on the performance of disputes resolution mechanisms was indicated to be a prerequisite before further consideration could be given to elaborating guiding principles for the effective resolution of labour disputes as proposed by the Workers' group to the Committee.
3. With respect to labour dispute prevention and resolution, the Committee for the Recurrent Discussion on Social Dialogue concluded that:
  - (i) Members with the support of the Organization should ensure respect for the rule of law including through effective labour inspection and enforcement and the strengthening of dispute prevention and resolutions mechanisms, recognizing that these are the responsibilities of governments.<sup>2</sup>

<sup>1</sup> GB.316/INS/2, paras 85–87.

<sup>2</sup> See *Provisional Record* No. 11, International Labour Conference, 102nd Session, Geneva, June 2013, para. 9(4).

- (ii) The ILO is called upon to expand its assistance to strengthen and improve the performance of labour dispute prevention and resolution systems and mechanisms, including for the effective handling of individual labour complaints, through research, expert advice, capacity building and exchange of experiences.<sup>3</sup>
4. A plan of action to follow up on these conclusions is submitted to this present session of the Governing Body. It details the Office-proposed research activities to collect and analyse information on the performance of national systems of dispute prevention and resolution as suggested by the Committee for the Recurrent Discussion on Social Dialogue. That component of the plan of action gives also effect to the Cartier Working Group conclusion with respect to the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92).
  5. In this context, the Office proposes to postpone consideration of a proposal on labour dispute resolution pending the submission by the Office of a new proposal in 2016 based on the findings of its additional research in 2014–15.

## **2. Transition of the world of work to a low carbon economy**

6. At its 316th Session (November 2012), a proposal for a Convention (supplemented by a Recommendation) on the transition of the world of work towards a low carbon economy was presented to the Governing Body, following a suggestion made on behalf of the Workers' group during informal tripartite consultations on the agenda of the Conference in September 2012. In light of the Office's suggestion,<sup>4</sup> it was acknowledged that the consideration of this proposal should be postponed, pending the expected outcome of the general discussion on sustainable development, decent work and green jobs at the 102nd Session (2013) of the Conference.
7. The Committee on Sustainable Development, Decent Work and Green Jobs, at the 102nd Session (2013) of the Conference discussed the relevance and role of international labour standards at some length. The resulting conclusions adopted by the Conference put forward a basic policy framework to address the challenges of a just transition for all. With regard to existing and new ILO instruments, the conclusions include a proposal to convene a meeting of experts to give further guidance on issues related to the greening of economies, green jobs and a just transition for all.<sup>5</sup>
8. In particular, the conclusions suggest that a meeting of experts examines, based on evidence-based analysis, the provisions of international labour standards most relevant to achieving a job-rich, equitable, environmentally sustainable economy. Such a meeting of experts could be held, probably in 2015 subject to the approval by the Governing Body.
9. It is to be noted that the Governing Body also has before it, a paper outlining a strategic action plan as a follow-up to the adoption of the resolution adopted by the Conference in June 2013 concerning sustainable development, decent work and green jobs. One of the proposed follow-up actions concerns the convening of a meeting of experts as referred to above.<sup>6</sup>

<sup>3</sup> *ibid.*, para. 12(6).

<sup>4</sup> GB.316/INS/4, paras 88 and 89.

<sup>5</sup> International Labour Conference, *Provisional Record* No. 12, 102nd Session, Geneva, June 2013, para. 24 (to be read in light of para. 19 of the conclusions).

<sup>6</sup> GB.319/INS/3/2.

### 3. *Non-standard forms of employment*

10. The Conference conclusions concerning the recurrent discussion on fundamental principles and rights at work (2012) indicate that “the increase in non-standard forms of employment, in cases in which the national legislation does not adequately regulate them, raises questions concerning the full exercise of fundamental principles and rights at work” and call on the ILO to organize a “meeting of experts, undertake research and support national studies on the possible positive and negative impacts of non-standard forms of employment on fundamental principles and rights at work and identify and share best practices on their regulation”.<sup>7</sup> At the 316th Session (November 2012) of the Governing Body, the Workers’ group highlighted the need for a standard-setting activity on non-standard forms of employment and at the 317th Session (March 2013) of the Governing Body, the Office included this item in the proposals for the agenda of future sessions of the Conference.<sup>8</sup>
11. In his Report to the 102nd Session (2013) of the Conference, the Director-General highlights that “standard employment” has become the exception rather than the norm and that views are strongly divided about both the implications that the rise in “atypical” employment has for the realization of decent work and what should be done about it. The Report also notes that, whatever the views, this is an issue which will be the subject of political decision and action at the national level and it is important for the ILO to be present in these debates, if the Organization is to remain relevant.<sup>9</sup> During the discussion of the Report of the Director-General, the Chairperson of the Workers’ group stressed that the ILO should ensure that all workers, not just those in regular full-time jobs, received the full protection of labour legislation and social security and that new standard-setting activities were required in these fields. The Chairperson of the Employers’ group, while concurring with the Director-General’s Report that the standard forms of employment had become the exception, highlighted the need to look anew at how rights were delivered in the new context, and what responsibilities lay with the parties in this new approach. A number of Governments also expressed concern about the rise in atypical forms of employment and pointed to the need for finding the right balance between flexibility and protection.
12. In order to better inform decision-making, solid empirical evidence is needed to ascertain the impact of the rise in non-standards forms of employment on workers’ protection, enterprises development and the overall labour market and economic performance. This requires notably the development of statistics on the various types of non-standard forms of employment, including the unionization rate of the workers concerned and their coverage by collective agreements, both in emerging and industrialized economies. Studies documenting measures that have been successful for regularizing employment relationships, improving access of “atypical” workers to fundamental principles and rights at work and other protections, and for ensuring effective labour inspection would be equally important to promote employment security and equality of treatment and remuneration for workers engaged in non-standard forms of employment.
13. It is proposed, subject to the availability of resources, that the ILO initiate the research referred to above and convene a meeting of experts during the second semester of 2014 to increase the knowledge base on non-standard forms of employment and the related policies

<sup>7</sup> ILO: *Provisional Record* No. 15, International Labour Conference, 101st Session, Geneva, 2012, paras 12 and 13(b).

<sup>8</sup> GB.317/INS/2(Rev.), para. 18.

<sup>9</sup> Report of the Director-General: *Towards the ILO centenary: Realities, renewal and tripartite commitment*, International Labour Conference, 102nd Session, 2013, Report I(A), paras 71–73.

and make proposals regarding possible follow-up action, including the desirability of a standard-setting activity. It is suggested that the meeting of experts examines the whole range of non-standard forms of employment. Should the meeting of experts recommend a standard-setting activity, this could focus on fixed-term contracts and temporary employment, as ILO standards have already been adopted covering issues related to the employment relationship, private employment agencies, part-time work and home work.

#### **4. Long-term unemployment**

14. In light of the guidance provided to the Office by the Geneva-based tripartite consultative group, the topic will be integrated in the report prepared for the recurrent discussion on the strategic objective of employment to be held at the 103rd Session (2014) of the Conference. The recurrent discussion and conclusions could consider additional follow-up as necessary.

#### **5. Labour migration**

15. At the 92nd Session (2004) of the International Labour Conference, the tripartite constituents reached a consensus that a fair deal for all migrant workers requires a rights-based approach which recognizes labour market needs and adopted a Plan of Action for Migrant Workers. Its centrepiece was the ILO Multilateral Framework on Labour Migration whose publication was authorized by the Governing Body at its 295th Session (March 2006). At its 316th Session (November 2012), the Governing Body stressed the need for the ILO to raise its visibility in global debates concerning migration and development and the post-2015 Development Agenda. To this end, it requested the Director-General to, among other steps, organize a tripartite meeting enabling the Organization to assess the outcomes of the United Nations General Assembly High-level Dialogue on Migration and Development (New York, 3–4 October 2013), and consider areas for possible ILO follow-up bearing in mind the changing landscape of international labour migration and its implications for the world of work.<sup>10</sup> In his Report to the 102nd Session (2013) of the Conference, the Director-General notes how differentiated demographic and income trends are adding to migratory pressures and highlights that “the ILO must be instrumental in upgrading the multilateral framework which is truly respectful of the rights and interests of the working people involved”.<sup>11</sup> During the discussion of the said report, many Governments stress the growing importance of addressing labour migration issues for attaining decent work for all. The question of labour migration could be considered at the 320th Session (March 2014) of the Governing Body within the framework of the agenda of the Conference taking account of the outcome and recommendations of the Tripartite Meeting on Labour Migration which will take place in Geneva between 4 and 8 November 2013.

<sup>10</sup> GB.317/INS/13/2.

<sup>11</sup> Report of the Director-General: *Towards the ILO centenary: Realities, renewal and tripartite commitment*, International Labour Conference, 102nd Session, 2013, Report I(A), para. 20.