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Report V (2)

Transitioning from the informal to the formal economy



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Report V(2)

Transitioning from the informal to the formal economy

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CONTENTS

	<i>Page</i>
LIST OF ABBREVIATIONS	v
INTRODUCTION.....	1
REPLIES RECEIVED AND COMMENTS.....	3
PROPOSED CONCLUSIONS.....	81
APPENDIX.....	89

LIST OF ABBREVIATIONS

Employers' and workers' organizations

International organizations	IOE	International Organisation of Employers
	ITUC	International Trade Union Confederation
Argentina	CGT-RA	General Labour Confederation of the Argentine Republic
Australia	ACCI	Australian Chamber of Commerce and Industry
	ACTU	Australian Council of Trade Union
Austria	BAK	Federal Chamber of Labour
	ÖGB	Austrian Trade Union Federation
Benin	CSA-Bénin	Confederation of Autonomous Trade Unions of Benin
	MTCB	Movement of Christian Workers of Benin
Plurinational State of Bolivia	CRISOL	Corriente de Renovación Independiente y Solidaridad Laboral
Brazil	CNA	Brazilian Confederation of Agriculture and Livestock
	CNI	National Confederation of Industry
	FS	Força Sindical
	UGT	General Union of Workers
Bulgaria	CITUB	Confederation of Independent Trade Unions of Bulgaria
Burkina Faso	CNTB	National Confederation of Workers of Burkina Faso
Cambodia	IDEA	Independent Democratic Informal Economy Association
Canada	CEC	Canadian Employers Council
	CSN	Confederation of National Trade Unions
Costa Rica	CMTC–FENATSEA	Trade Union Organization Movement of Costa Rican Workers – National Federation of Autonomous Sector Workers
	CTRN	Confederation of Workers Rerum Novarum

Colombia	ANDI	National Business Association of Colombia
	CTC	Confederation of Workers of Colombia
	CUT	Single Confederation of Workers of Colombia
Croatia	SSSH	Union of Autonomous Trade Unions of Croatia
Cyprus	OEB	Cyprus Employers and Industrialists Federation
Denmark	DA	Confederation of Danish Employers
Dominican Republic	CASC	Autonomous Confederation of Class Unions
	CNTD	National Confederation of Dominican Workers
	CNUS	National Confederation of Trade Union Unity
Egypt	GFETU	General Federation of Egyptian Trade Unions
Finland	Akava	Confederation of Unions for Professional and Managerial Staff in Finland
	EK	Confederation of Finnish Industries
	SAK	Central Organization of Finnish Trade Unions
	STTK	Finnish Confederation of Professionals
France	CGT–FO	General Confederation of Labour – Workers’ Force
	MEDEF	Movement of French Enterprises
Georgia	GEA	Georgia Employers Association
	GTUC	Georgian Trade Union Confederation
Germany	DGB	German Trade Union Confederation
Greece	GSEE	General Confederation of Greek Workers
	SEV	Hellenic Federation of Enterprises
Guatemala	CACIF	Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations
	CGTG	General Confederation of Workers of Guatemala
	MTC	Movement of Peasant Workers
	UTQ	Quetzaltenango’s Workers Union
India	SEWA	Self Employed Women’s Association
Indonesia	KSBSI	Indonesian Prosperity Trade Union Confederation
Italy	CGIL	Italian General Confederation of Labour
Japan	JTUC–RENGO	Japanese Trade Union Confederation
	Keidanren	Japan Business Federation
Republic of Korea	FKTU	Federation of Korean Trade Unions
	KEF	Korea Employers Federation

Latvia	LBAS	Free Trade Union Confederation of Latvia
	LDDK	Confederation of Latvian Employers
Mauritania	CLTM	Free Confederation of Workers of Mauritania
Mexico	CONCAMIN	Mexican Confederation of Chambers of Industry
	CTM	Confederation of Mexican Workers
	UNT	National Union of Workers
Nepal	GEFONT	General Federation of Nepalese Trade Unions
Netherlands	FNV	Netherlands Trade Union Confederation
Nicaragua	FNT	Frente Nacional de los Trabajadores
Norway	NHO	Confederation of Norwegian Enterprises
Panama	CONATO	Panamanian Council of Organized Workers
	CONUSI	Independent Confederation of Labour Union Unity
	CS	Convergencia Sindical
Paraguay	CNT	National Workers' Confederation
	CUT-A	Authentic Single Confederation of Workers
Peru	CATP	Autonomous Confederation of Peruvian Workers
	CSP	Confederación Sindical de Trabajadores del Perú
	CUT	Single Central Organization of Workers of Peru
Poland	NSZZ	Independent and Self-Governing Trade Union "Solidarność"
Portugal	CCP	Confederation of Trade and Services of Portugal
	UGT	General Union of Workers
Romania	CNS "Cartel Alfa"	National Trade Union Confederation Cartel Alfa
Russian Federation	FNPR	Federation of Independent Trade Unions of Russia
Rwanda	COTRAF	Congress of Labour and Brotherhood of Workers
Senegal	CNES	National Confederation of Employers of Senegal
	CNP	National Employers' Council
	CNTS	National Confederation of Workers of Senegal
	UNSAS	National Union of Autonomous Trade Unions of Senegal

Serbia	CATUS	Confederation of Autonomous Trade Unions of Serbia
	Nezavisnost	Trade Union Confederation “Independence”
South Africa	COSATU	Congress of South African Trade Unions
Spain	CCOO	Trade Union Confederation of Workers’ Committees
	UGT	General Union of Workers
Sweden	SACO	Swedish Confederation of Professional Associations
	TCO	Swedish Confederation for Professional Employees
Switzerland	UPS	Confederation of Swiss Employers
Trinidad and Tobago	ECATT	Employers Consultative Association of Trinidad and Tobago
	NATUC	National Trade Union Centre of Trinidad and Tobago
Turkey	MEMUR-SEN	Confederation of Public Servants Trade Unions
	TÜRK-İŞ	Confederation of Turkish Trade Unions
Uganda	UHFTAWU	Uganda Hotels Food Tourism and Allied Workers Union
United States	AFL–CIO	American Federation of Labor and Congress of Industrial Organizations
Bolivarian Republic of Venezuela	ASI	Independent Trade Union Alliance
	FEDECAMARAS	Venezuelan Federation of Chambers of Commerce and Production
	FUTRAND	United Federation of Independent Workers of Venezuela

INTRODUCTION

At its 317th Session in March 2013, the ILO Governing Body decided to place a standard-setting item on the agenda of the 103rd Session (June 2014) of the International Labour Conference (ILC) on facilitating transitions from the informal to the formal economy (standard-setting, double discussion) with a view to the elaboration of a Recommendation.¹ It approved a programme of reduced intervals for the preparatory stages of the discussion.² In accordance with article 39, paragraph 1, of the Standing Orders of the Conference, the Office prepared a preliminary report setting out the law and practice in the different countries, together with a questionnaire which was transmitted to member States in August 2013.³ According to the programme of reduced intervals decided by the Governing Body, the Office invited governments to send their replies by 31 December 2013.

In accordance with article 39, paragraph 1, of the Standing Orders of the Conference, governments were invited to give their views after consultation with the most representative organizations of employers and workers. This consultation is obligatory for Members that have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). A total of 97 governments from member States sent their replies to the ILO, most of them indicating that the most representative organizations of employers and workers had been consulted. The governments of several member States sent the replies of employers' and workers' organizations separately; in some cases, these replies were received directly by the Office. Replies were also directly received from the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). Overall, at the time of drawing up this report,⁴ the Office had received replies from 97 governments, 75 workers' organizations and 23 employers' organizations. Replies were also received from other stakeholders such as civil society organizations (including the Association of Rural Education and Development Service (AREDS), Human Rights Watch, the International Domestic Workers Federation (IDWF) and Women in Informal Employment: Globalizing and Organizing (WIEGO). Their replies have been noted but could not be included in the present report.

At its 317th Session in March 2013, the Governing Body also agreed to the holding of the Tripartite Meeting of Experts on Facilitating Transitions from the Informal Economy to the Formal Economy, with the objective of providing guidance on the nature and content of the proposed instrument, in particular concerning innovative solutions and up-to-date experience (legal, policy, institutional, governance and other interventions), which have proved successful in supporting the transition from informality to formality.⁵ The report of the Tripartite Meeting of

¹ GB.317/PV, paras 3, 5, 12, 20, 21 and 22.

² GB.317/INS/2(Rev.) and GB.317/PV, para. 25, March 2013.

³ ILO: *Transitioning from the informal to the formal economy*, Report V(1), International Labour Conference, 103rd Session, Geneva, 2014. Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_218128.pdf.

⁴ The replies to the questionnaire had to reach the Office no later than 31 December 2013. A number of late replies were received after the finalization of this report and could not be taken into account by the Office.

⁵ GB.317/PV, paras 234, 283 and 284.

Experts (which was held in Geneva from 16 to 20 September 2013), including the Chairperson's summary, was submitted to the 319th Session of the Governing Body, as a Supplementary Report of the Director-General.⁶

The present report was prepared on the basis of the replies received from governments and organizations of employers and workers, the substance of which is given in the following pages. The proposed Conclusions appear at the end of the report, while the Office commentary regarding the replies received for each question appears immediately after the replies to each question. In preparing the proposed Conclusions, the Office has also taken into consideration the inputs and views expressed during the Tripartite Meeting of Experts referred to above.

⁶ GB.319/INS/14/6. The Report of the Tripartite Meeting of Experts on Facilitating Transitions from the Informal Economy to the Formal Economy is available in English, French and Spanish on the ILO website: http://www.ilo.org/gb/GBSessions/GB319/ins/WCMS_226739/lang--en/index.htm.

REPLIES RECEIVED AND COMMENTS

This section contains the substance of the replies received from governments and organizations of employers and workers to the questionnaire contained in Report V(1). Each question is reproduced and followed by the number of replies received, grouped in accordance with the nature of the replies (affirmative, negative or other). A reply has been classified as “other” when no response or no clear yes or no was expressed. In cases where a reply was qualified or clarified by comments, the substance of these comments is summarized and appears in the alphabetical order of countries. Due to limitations of space, similar responses have been grouped together, where possible. In the interests of conciseness, comments which simply reaffirmed or responded negatively to the proposition contained in the question, without adding additional points, have not been reproduced. Some replies provided interesting and useful information on specific national contexts; while this information is most useful for the work of the Office, it has not been reproduced in this report, but has inspired guidance contained in the proposed Conclusions. In particular, many countries provided information concerning their law and practices, as well as their national policies, notably under questions 1 and 2 of the questionnaire, which will be included in the ILO databases as appropriate.

In view of the restrictions on the length of Conference reports, some modifications have been made compared to the presentation of previous reports. The Office considers that these changes will make the report easier to read without reducing the information available. There are two major changes. First, instead of reproducing after each question the list of which constituents have replied “yes”, “no” or “other”, this enumeration will be found in tabular form in Appendix I to the present report. And second, it has been the practice to list each workers’ or employers’ organization that has replied to each question. However, many workers’ organizations, including the ITUC, have collaborated to furnish the same or similar replies to many of the questions, so instead of reproducing the name of each organization for each question, a summary of the replies is presented as a consolidated reply. The workers’ organizations that have collaborated in this way are the following: ACTU, AFL–CIO, CNS “Cartel ALFA”, CASC, CNUS, CNTD, CATP, CGIL, CGT, CGT–FO,⁷ CMTC–FENATSEA, CNT, CNTB, CNTS, COSATU, CTC, CTRN, CUT–A, (Paraguay), CUT (Peru), DGB, FNV, FUTRAND, FS, ITUC, NSZZ, SACO, TCO, TÜRK–İŞ, SSSH, UGT (Brazil), UGT (Portugal), UGT (Spain) and UNSAS.

In cases in which other replies are received from some organizations, or when an organization furnishes a reply that differs from or adds to the consolidated reply, these are listed separately. This shortens the report considerably, while providing exactly the same information as in the earlier format.

The structure of the proposed Conclusions has been adjusted in the light of replies from tripartite constituents. A number of linguistic and editorial adjustments were made to align the English and French versions of the proposed Conclusions, taking into account terminology used in relevant ILO Conventions and Recommendations. The replies to the questionnaire

⁷ Replies are the same as the ITUC’s, except questions 4(a), (b), (c), (d), 6 and 17. Besides, CGT–FO does not provide comments for questions 5, 14(b), 26 and 29 whereas the ITUC does.

and the report of the Tripartite Meeting of Experts have also been taken into account in drafting the proposed Conclusions with a view to a Recommendation.

1. GENERAL OBSERVATIONS

In addition to the detailed comments made in respect of specific questions raised in the questionnaire, some respondents provided some general observations in relation to the importance of such an instrument as well as on a number of other issues. A recurring comment by governments and employers' and workers' organizations expressed in response to a number of questions was the importance of, and the need for, the provisions of the proposed instrument to be tailored to and consistent with national circumstances and priorities, and to take into account national capacities (and circumstances) and available resources.

The Government of Switzerland was sceptical about developing an international standard on the issue of transition from the informal economy and added that the questions were not formulated clearly enough to be able to actually take a stand.

The Government of Australia was of the view that the Recommendation should propose alternative and complementary means of addressing the informal economy, which may include ensuring compliance with relevant existing standards, considering the ratification of relevant existing instruments as appropriate, and facilitating greater information sharing and provision of technical assistance. It suggested that the International Labour Office could provide additional practical assistance through targeted technical cooperation to enhance capacity to transition to the formal economy.

The Confederation of Danish Employers indicated that a new Recommendation should promote conditions that facilitate the formalization of the informal economy and should not merely aim to eradicate the informal economy.

The Australian Chamber of Commerce and Industry reserved its position on whether any new standard should be created on the informal economy, as well on the form of such a standard.

2. REPLIES AND COMMENTS ON THE QUESTIONNAIRE

I. Preliminary questions

In response to questions 1 and 2, the respondents have provided a wealth of information regarding their country-specific legislation, measures, practices, programmes and policies that are relevant to facilitate transitions from the informal to the formal economy. In the interest of conciseness, this information is not reproduced here but has been entered in an ILO database and taken into account in the proposed Conclusions.

Qu. 1 *Please indicate any legislation, measures or practice, including case law, of your country that are relevant to facilitate transitions from the informal to the formal economy.*

and

Qu. 2 *Please indicate programmes and policies of your country that are relevant to the subject of facilitating transitions from the informal to the formal economy.*

Governments

Number of replies: 97

Employers

Number of replies: 18

Workers

Number of replies: 64

OFFICE COMMENTARY

Respondents provided references to national legislation, measures and practices, as well as national programmes and policies that are relevant to the subject of facilitating transitions from the informal to the formal economy, offering a rich background for the preparation of the proposed instrument.

The vast majority of respondents indicate that the labour legislation in their countries is relevant to facilitating transitions from the informal to the formal economy and a large number of respondents also refer to relevant fiscal legislation. Several respondents made reference to other common legislation, measures and practices, including commercial legislation, registration legislation and regulations, and social security legislation.

A large number of respondents indicate that programmes and policies to support the development of small and medium-sized enterprises (SMEs), skills development and social protection exist in their countries and are relevant to the subject. Numerous respondents list microfinance policy, access to credit programmes and national employment policy and programmes as relevant to the subject. Other common and relevant policies and programmes include areas such as labour inspection, occupational safety and health, rural employment, entrepreneurship and youth employment.

II. Preamble

Qu. 3 *Should the Preamble of the proposed instrument recall international labour standards and the United Nations instruments that are pertinent to the informal economy?*

Governments

Number of replies: 97

Yes: 86

No: 7

Other: 4

Comments

Canada: A reference to the ILO Declaration on Fundamental Principles and Rights at Work, may be appropriate.

Honduras: This reference would provide the necessary regulatory context for all stakeholders to consult as a guide and would facilitate the transition process.

Portugal: The Preamble should recall international labour standards and all other instruments related to the informal economy.

Senegal: Reference should also be made to the ILO Declaration on Social Justice for a Fair Globalization.

United Kingdom: The objective is to have a short and clear instrument. Recalling all the instruments, some of which may only be tangential to the informal economy, would be contrary to that objective.

United States: All fundamental labour standards of the ILO Declaration on Fundamental Principles and Rights at Work, are relevant to the informal economy.

Employers

Number of replies: 18

Yes: 8

No: 2

Other: 8

Comments

CACIF: It is important to recall the international standards and instruments that underpin the application of the proposed instrument, especially those establishing concepts, principles and precedents relating to the transition from the informal to the formal economy.

OEB, SEV, IOE, Keidanren, UPS: In terms of ILO standards, it is important to propose that only the eight fundamental and the four priority Conventions be recalled in the Preamble.

Workers

Number of replies: 65

Yes: 65

No: 0

Other: 0

Comments

Consolidated reply: The key ILO instruments should be listed, as well as United Nations instruments focusing on rights at work, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Elimination of all forms of Discrimination against Women.

CUT–A (Paraguay): There should also be a reference to the Conventions on indigenous peoples.

OFFICE COMMENTARY

The overwhelming majority of governments and all workers' organizations agree that the Preamble should recall international labour standards and the United Nations instruments that are pertinent to the informal economy, as these instruments contain valuable guidance that would facilitate the process of transition from the informal to the formal economy and guide Members in the elaboration and implementation of their national policies and programmes. At the same time, a number of governments indicate that it would be better to keep the Preamble short. Most

employers' organizations also favour a short preamble, with a possible reference to the fundamental and priority Conventions. There is wide consensus among the workers' organizations that reference should be made to a number of key instruments.

The Office concludes that there is sufficient support to recall in the Preamble that a number of international labour standards, as well as other international instruments, are pertinent to the informal economy. In light of the comments relating to the length of the Preamble, the consensus reached during the Tripartite Meeting of Experts to keep the preambular paragraphs short, with references only to the most relevant standards, and the positive replies received to question 31 regarding the possibility of providing a list of relevant international labour standards as an annex, the Office proposes that the specific reference in the Preamble be limited to the ILO fundamental Conventions.

In light of the replies received, the Office proposes that the Preamble recalls the relevant international labour standards, in particular the ILO fundamental Conventions, as well as relevant United Nations instruments (see point 3(b) of the proposed Conclusions), and that a list of relevant instruments be included in an annex to the instrument (see question 31). In addition, the Office proposes that the Preamble notes the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, and the ILO Declaration on Social Justice for a Fair Globalization, 2008, in point 3(a) of the proposed Conclusions. Moreover, as there is support for the inclusion of relevant United Nations instruments, the Office proposes to insert a provision related to human rights in the operative part of the proposed instrument in point 19 of the proposed Conclusions.

Qu. 4 *Should the Preamble of the proposed instrument recall that:*

(a) most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy and have no other means of livelihood?

Governments

Number of replies: 97

Yes: 78

No: 15

Other: 4

Comments

Canada, Germany: Propose to change "most" to "many".

Islamic Republic of Iran, Nepal, Portugal, Slovenia, Sweden, Switzerland, Trinidad and Tobago, Turkey: There is an array of voluntary and intentional informal jobs. Entering the informal economy can also be by choice following analysis of the costs and benefits incurred in the formal economy.

Mexico: The causes of the informal economy are manifold and an empirical exercise should be carried out to determine what they are. One such cause is the excessive regulation of the legally established procedures, which entail high transaction costs.

Panama: In the labour market, informal work is a mechanism for regulating employment and wage levels. The fact that it persists can be explained by the need for income.

United States: The term “a lack of opportunities in the formal economy” may not appropriately capture the numerous reasons why people enter the informal economy in a developed country.

Uruguay: It is a reality in all countries, and every study indicates this. One manifestation of this is the link between informality and poverty.

Employers

Number of replies: 19

Yes: 5

No: 14

Other: 0

Comments

ANDI, IOE, Keidanren, MEDEF, OEB, SEV: This statement narrows significantly the scope of the informal economy as it assumes, wrongly, that participation in the informal economy is always and definitely involuntary due to lack of opportunities in the formal economy and neglects the fact that it stems from various governance issues and unfavourable or inefficient environments. Participation in the informal economy is not always involuntary.

CACIF: This information should be included in a paragraph in the body of the instrument, specifying the reasons for, or grounds on which, people enter the informal economy, and should not be presented as a fact, or as an isolated piece of information.

DA: The informal economy often stems from an inefficient business environment in some countries.

Workers

Number of replies: 64

Yes: 61

No: 3

Other: 0

Comments

Consolidated reply: In addition, the proposed instrument should recall that workers might be “de facto” working in the informal economy when they are explicitly excluded from labour legislation, when the legislation is unclear or unenforced or when they are not registered or declared by their employers. The proposed instrument should address the situation of the different categories of actors operating in the informal economy, namely informally employed wage workers, own-account workers and economic units.

CSN: The Preamble should also state that, in the absence of policies centred on employment and decent work, economic growth alone is not enough to achieve better incomes and productive employment.

CUT (Colombia): It is important to work on the assumption that informal work is usually not a choice but is actually imposed.

KSBSI: Sometimes workers are also forced into informality as they are not declared or not registered.

OFFICE COMMENTARY

A considerable majority of governments and most workers’ organizations agree that the Preamble should recall this statement. A large number of workers’ organizations highlight that workers might be “de facto” working in the informal economy for a number of reasons, including being explicitly excluded from labour legislation, non-enforcement of legislation, and not being registered or declared by their employers.

However, many respondents from governments and employers' organizations point out that participation in the informal economy can be voluntary. A few governments suggest that "most" should be replaced by "many" because of country specificities. The proposed instrument should also address the situation of different categories of actors operating in the informal economy, namely informally employed wage workers, own-account workers and economic units.

Taking into account the replies received, the Office proposes to note in point 3(d) of the proposed Conclusions that, in some cases, workers and economic units operate in the informal economy to evade laws and regulations.

Qu. 4 (b) *workers and economic units in the informal economy can have a large entrepreneurial potential and their creativity, dynamism, skills and innovation could flourish if obstacles to transition to the formal economy could be removed?*

Governments

Number of replies: 97

Yes: 82

No: 8

Other: 7

Comments

Brazil: It is important to provide more detail about what is meant by "workers and economic units" so that the solidarity-based economic enterprises are clearly included. Incentives and development can be mentioned.

Honduras: Experience has shown that reducing transaction costs gives enterprises an incentive to transition from the informal to the formal economy.

Italy: Also considering that working in legal conditions enables access to all types of incentives and rewards.

Malawi: Obstacles include challenges to access to land and infrastructure, access to microfinancing, inadequate skills and entrepreneurial training.

South Africa: This could be achieved through an enabling legal and regulatory environment, enterprise development support and proper coordination.

Sweden: It is not just a matter of removing obstacles, but also of stimulating growth and creating jobs in the formal economy.

Employers

Number of replies: 17

Yes: 11

No: 3

Other: 3

Comments

IOE, UPS: Emphasize the importance of strengthening institutions (such as property rights) and the different branches of government; adapting and simplifying regulations and boosting their efficiency in line with the reality in which economic units operate. The informal economy also provides opportunities for those with low skills and productivity, who are squeezed out of the formal economy due to factors such as unreasonably high minimum wage levels and rigid labour markets.

Workers

Number of replies: 66

Yes: 61

No: 3

Other: 2

Comments

Consolidated reply: Removing obstacles to transition to the formal economy is too narrow. It is rather the implementation of an integrated strategy facilitating the transition to the formal economy that enables entrepreneurial talent to flourish.

SEWA: Poor workers in the informal economy can flourish only if they join forces and take advantage of good policies to remove obstacles. This can only be done through the creation of cooperatives or cooperative-like organizations.

OFFICE COMMENTARY

There is broad agreement among governments and employers' and workers' organizations regarding this statement. Numerous replies from governments and employers' and workers' organizations stress the need to create an appropriate legal and regulatory environment with a sound macroeconomic policy facilitating transitions to formality.

Many workers' organizations and some governments stress that the proposed instrument might apply a more positive approach in terms of creating an enabling environment for transitions to formality rather than focusing only on obstacles. This concern was also raised during the Tripartite Meeting of Experts by Government, Employer and Worker experts.

In light of the replies received, the Office proposes to replace the wording "flourish" with "fully develop" in point 3(h) of the proposed Conclusions.

Qu. 4 (c) *decent work deficits are most pronounced in the informal economy?*

Governments

Number of replies: 97

Yes: 84

No: 9

Other: 4

Comments

Honduras: In view of their working conditions and income, people working in the informal sector do not achieve decent work.

Panama: Decent work deficits are also evident in the formal economy, where abuses create circumstances of exploitation and indignity.

United Kingdom: It would presume that the reduction of decent work deficits is the primary aim in order to reduce the informal economy instead of the reduction of the informal economy in itself being the objective.

Switzerland, United States: The term “decent work deficits” cannot be defined or measured and should not be used.

Uruguay: Job insecurity in the informal sector is a reality.

Employers

Number of replies: 20

Yes: 6

No: 12

Other: 2

Comments

ANDI, IOE, Keidanren, OEB, SEV: The informal economy does serve to increase opportunities for workforce participation, particularly for women in developing countries. In cases where informal employment helps to provide jobs to those unable to find jobs in the formal economy, characterizing informal economy as an economy with decent work deficits will ignore the point that some jobs in the informal economy are decent and are a source of income for those who are otherwise unable to find employment. Bringing an unclear concept and definition of decent work into the proposed instrument will divert the discussion from transitioning to the formal economy to the debate on the meaning of decent work.

DA: The Decent Work Agenda should not be referred to as that could diffuse debate and take the focus of the discussion away from finding ways to improve the formalization of the informal economy.

Workers

Number of replies: 63

Yes: 61

No: 2

Other: 0

Comments

Consolidated reply: By definition, workers in the informal economy are not protected by law and their basic rights are difficult to defend. Those workers often lack bargaining rights and find it difficult to organize in unions. They are more likely to suffer from an unsafe working environment, discrimination and harassment and their access to social protection is often limited, putting their health directly at risk. Gender discrimination is particularly high in the informal economy.

CONUSI, CS, CONATO: In the absence of job security and social security, there are hardly likely to be aspects of decent work in the informal economy.

CUT (Colombia): It is very serious when a formal job lacks one or more of the elements of decent work, but it is even more serious that people working in the informal sector generally lack all the elements of decent work.

OFFICE COMMENTARY

The vast majority of governments and almost all workers agree with this statement. A majority of employers' organizations and some governments state that "decent work deficits" is an unclear concept. One government and one employers' organization suggest separating the issue of decent work deficits from the issue of transitions to formality.

Meanwhile, some governments express the view that "decent work deficits" should not be recalled in the proposed instrument given the subjective nature of the term and the difficulty of measuring it. Some employers' organizations call for clarifications on the definition of "decent work deficits" and add that it remains unclear how recalling decent work will contribute to defining the scope and the content of the proposed instrument.

The term "decent work" was retained, considering that it was used in the ILO Declaration on Social Justice for a Fair Globalization adopted by the ILC at its 97th Session in 2008.

In light of the replies received, the Office proposes no change in point 3(f) of the proposed Conclusions.

Qu. 4 (d) *informality is principally a governance issue?*

Governments

Number of replies: 97

Yes: 64

No: 25

Other: 8

Comments

Belgium: The expansion of the informal economy can often be attributed to inappropriate or poorly implemented macroeconomic and social policies that in many cases were developed without tripartite consultation, to the absence of conducive legal and institutional frameworks, to the absence of good governance and to a lack of trust in institutions and administrative procedures.

Burkina Faso, Rwanda: Informality is primarily a matter of economic and social development.

Chile: Informality is caused by several problems, some of which are outside the government's purview.

France: The issue of governance is key, but it is not the only one influencing the informal economy. The stability and effectiveness of institutions, development and support for policies and instruments relating to the labour market also play a role.

Guatemala: The growth of the informal economy is the result of macroeconomic issues and factors relating to the global economy.

India: Informality is not principally a governance issue but a structural issue.

Mexico: The term "governance" is neither unique nor universally accepted. It should be defined within a basic conceptual framework to avoid confusion.

Panama: The informal economy is an opportunity to address the integration of unskilled workers. Governance is more closely linked to the promotion of self-employment or entrepreneurship.

Uganda: Informality is partly an issue of the effects of structural adjustments.

United States: Informality is the result of a combination of factors, including the capacity of the government, the current state of the economy, the integration of regions into the national economy and, in some cases, cultural and local factors.

Employers

Number of replies: 18

Yes: 12

No: 5

Other: 1

Comments

CCP, KEF: There are a wide set of other factors.

IOE, Keidanren, ANDI, MEDEF, OEB, SEV: It is important to refer to how the lack of sound, predictable and efficient institutions, including property rights, laws, rules and regulations, or their limited coverage and enforcement, encourage informality.

Workers

Number of replies: 65

Yes: 58

No: 4

Other: 3

Comments

Consolidated reply: The level of informality depends to a large extent on the economic, employment and social policies that governments choose to implement. In many countries the deregulation of labour markets led to increased informality at work. But not all countries enjoy the same policy and fiscal spaces to address informality. So governance is a key issue, but it is not the only one.

AFL-CIO: In many developed countries the deregulation of labour markets has led to increased informality of once formal jobs. Emphasis should be placed on reforming existing laws and regulations to match the conditions of informal workers before enforcing compliance.

CONUSI, CS, CONATO: Although the economy is not planned, allowing informality and doing nothing to combat it is promoting it by omission.

OFFICE COMMENTARY

A majority of governments and most employers' and workers' organizations support this statement. Most of the governments that responded negatively agreed nevertheless on the importance of governance issues. However, they argued that informality is also due to other causes that might be equally important, including poor macroeconomic performance, low level of social and economic development, weak institutions and low level of education of the workforce.

In light of the replies received, the Office proposes to include the aspect of multiple causes in point 3(e) of the proposed Conclusions to better reflect all contexts.

Qu. 5 *Should the Preamble of the proposed instrument recognize the high incidence of informality and the urgency of measures to enable gradual transitions of workers and economic units from the informal economy to the formal economy?*

Governments

Number of replies: 97

Yes: 87

No: 8

Other: 2

Comments

Belgium: The predominance of informal employment, which has become more marked as a result of the global crisis, not only has repercussions on the living standards of the population, but also prevents families and economic units trapped in the informal economy from increasing their productivity and escaping from poverty.

Benin, Djibouti, Democratic Republic of the Congo, Senegal: The informal economy employs the majority of the population and it is an important issue to socio-economic development.

Chile: This allows for a better understanding of the importance of the issue and the need for short-term measures.

France, Switzerland: The informal economy covers a wide diversity of aspects and this must be mentioned in the text by adding “, in all its aspects,” after “high incidence of informality”.

Germany: Even though the incidence of informality varies in different countries, the Preamble should recognize the overall high incidence of informal employment.

India: The recognition of the reality is the precondition for devising an effective instrument.

Employers

Number of replies: 18

Yes: 13

No: 4

Other: 1

Comments

ANDI, DA, IOE, Keidanren, OEB, SEV, UPS: Tripartite consultation in devising the measures should not be compromised at any time notwithstanding the urgency. The large diversity of the nature of informality should also be recognized.

Workers

Number of replies: 65

Yes: 61

No: 1

Other: 3

Comments

Consolidated reply: It should also recognize the rise of informality in virtually every country and every sector over time. Privatization and deregulation programmes have led to an increased level of informality.

NSZZ: The need for urgent action is primarily due to financial costs resulting from the increased burden on the social security system and costs of unfair competition.

OFFICE COMMENTARY

A huge majority of governments and employers' and workers' organizations favour the inclusion of this statement. Some governments stress that recognizing the high incidence of informality globally and its impacts on the socio-economic development of countries will contribute to accelerating efforts to facilitate transitions to formality. Almost all workers' organizations state that increasing informality is a common phenomenon in all countries and sectors, due to privatization and regulation programmes, and that it is being exacerbated by the financial crisis, resulting in income and job insecurity, low productivity and the vicious circle of being trapped in the informal economy.

Some governments do not find it appropriate to use the term "urgency". Some governments and the majority of employers' organizations underline the need to highlight the diversity of the informal economy.

With regard to the concern raised above, the Office notes that the issue of diversity in the informal economy is addressed in question 10.

In light of the replies received, the Office proposes to note that the high incidence of the informal economy is a major challenge for inclusive development and the rule of law in point 3(c) of the proposed Conclusions. Moreover, the Office proposes to highlight the negative impact of the high incidence of informality on a number of concerned aspects and actors. The Office proposes no change regarding the recognition of the need to take urgent measures in point 4 of the proposed Conclusions.

Qu. 6 *Should the Preamble of the proposed instrument recognize the incidence of informal employment in formal establishments and the need to address it?*

Governments

Number of replies: 97

Yes: 83

No: 12

Other: 2

Comments

Canada: It is unclear what "informal employment in formal establishments" refers to.

Guatemala: It is necessary to address the issue of informal employment in the formal sector because it has an impact on public finances through tax evasion and because such employment is in breach of labour laws.

Honduras: The main problem of informal employment is in the informal sector and not in formal enterprises. The emphasis should be on creating conditions and incentives for transitioning from the informal economy to the formal economy. The issue of informal employment in formal enterprises can be addressed by applying the law.

Sweden: The instrument should also recognize that informal employment can occur in global commodity and supply chains, in the same way as in other parts of the economy.

Uganda: Informal employment in formal establishments is increasing through the use of subcontracting arrangements and affects freedom of association, collective bargaining processes and mechanisms, and hinders decent work.

United States: The various forms of informality should be recognized, such as the misclassification of workers as third-party contractors in order to avoid payment of benefits and inspections or escape labour laws, and these issues should be addressed.

Viet Nam: The amount of informal employment in formal establishments is not significant as compared to other forms of informal employment.

Employers

Number of replies: 20

Yes: 5

No: 14

Other: 1

Comments

ANDI: Someone in the formal sector who is in non-compliance is simply a person who is in breach of the law, and in such cases there are other types of measures that are different to those that have to be taken to address the transition from the informal economy to the formal economy.

DA, EK, MEDEF, OEB, SEV, IOE, Keidanren, UPS: Even though it is true that informal employment also exists in the formal economy, it should probably be left for later to allow a clear understanding of the definition of informal employment to be established first. It must not be an opportunity for other constituents to bring in the concept of “precarious work”, the definition of which is still unclear and debatable. More importantly, it must not be an opportunity for other constituents to bring in various forms of flexible contracts as being types of “informal employment”.

Workers

Number of replies: 65

Yes: 63

No: 2

Other: 0

Comments

Consolidated reply: The systematic use of agency work, outsourcing, subcontracting, zero-hour contracts and false self-employment has resulted in more informality at work. It should also recognize the incidence of informal employment in global supply chains and the need to address it.

ASI: It is clear that somehow the informal economy has become a recruiting ground for workers to avoid collective agreements, increasing precarious work and strengthening enterprises that offer piecework, outsourcing and other forms of underground work.

CUT (Colombia): This reference is necessary in the Preamble of the instrument, so that it is absolutely clear that the process of “de-labourization” in formal sectors of the economy is creating a large population of informal workers that are working under many types of relationships that violate labour rights.

OFFICE COMMENTARY

A vast majority of governments and almost all workers agree that the Preamble should recognize the incidence of informal employment in formal establishments and the need to address it. Some governments and workers' organizations draw attention to the incidence of informal employment in global supply chains. Workers' organizations note that outsourcing, subcontracting and false-self-employment have resulted in more informality. The vast majority of employers do not agree to include this statement for a variety of reasons. Some argue that it falls outside the scope of this instrument, while others highlight the lack of a precise definition of informal employment.

Numerous governments emphasize that addressing informal employment in formal establishments is one of the key objectives of the proposed instrument. Some note that informal employment in formal establishments is a major problem in certain countries, whereas in others the incidence of informal employment in formal establishments is not significant compared to other forms of informal employment.

The Office proposes to address the issue covered in questions 6 and 14(c) under the section "Scope", points 5 to 10 of the the proposed Conclusions.

III. Scope

Qu. 7 *Should the proposed instrument describe the informal economy according to the resolution concerning decent work and the informal economy adopted by the International Labour Conference at its 90th Session in 2002 which states that:*

The term "informal economy" refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs?

Governments

Number of replies: 97

Yes: 78

No: 8

Other: 11

Comments

Austria: The definition does not differentiate between self-employed and non-self-employed labour.

Belgium: The National Labour Council considers that it would be more appropriate to replace the 2002 definition and refers to the contribution of the 17th International Conference of Labour Statisticians, 2003, and the 2013 ILO statistical manual on the informal sector and informal employment.

China: The description should be renewed according to the practice and theory trends since 2002.

Côte d'Ivoire, Germany, Italy, Portugal: The description of the informal economy according to the 2002 resolution can serve as a starting point.

France: There are some ambiguities and gaps in the definition and this would be a good opportunity to revisit it. Only lawful but undeclared activities can transition via appropriate measures to the formal economy, whereas unlawful activities (such as all types of trafficking, including trafficking in human beings, and money laundering) cannot, by their nature, be included in the scope of the law.

India: The description of the informal economy as adopted in the 2002 resolution is appropriate, sound and must be considered.

Mexico: This description of the informal economy will allow for comparisons to be made at the international level, by providing a single point of reference.

Switzerland, Uganda: The situation has changed since the adoption of the resolution 12 years ago.

Uganda. The resolution constitutes the foundation for a consensus on the definition of the informal economy but should also take new developments into account.

United Kingdom: This definition should not be used to make a link between the informal economy and decent work.

United States: A useful definition should include those workers who have an “unrecognized, unprotected or unregulated status in both production and employment”. The 2002 definition includes several shortcomings making it a weak basis for a discussion and for a future standard-setting process.

Employers

Number of replies: 20

Yes: 9

No: 9

Other: 2

Comments

ANDI: A broader definition should be developed, incorporating all aspects of and reasons for the informal economy, that is not only limited to the application of the law.

CEC, DA, IOE, Keidanren, MEDEF, SEV, UPS: Much has changed since 2002. Another definition could be elaborated that takes into account experiences and practical work implemented by international bodies as well as the ILO member States since the 2002 resolution.

IOE: Respondents need to question whether it is accepted as a definition of the informal economy that activities covered by the law are considered as part of the informal economy if the laws are not enforced or enforceable. It needs to be more comprehensive and include more than just law enforcement, which is only one of the reasons that encourage expansion of the informal economy.

Workers

Number of replies: 68

Yes: 38

No: 2

Other: 28

Comments

Consolidated reply: The 2002 description of the informal economy should be replaced by a definition taking into account the statistical definition adopted by the 17th International Conference of Labour Statisticians, 2003, as well as the 2013 ILO statistical manual on the informal sector and informal employment. The proposed definition is:

The term “informal economy” refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Informal employment refers to informal jobs, whether carried out in formal-sector enterprises, informal-sector enterprises or households. These comprise: own-account workers and employers employed in their own informal-sector enterprises; contributing family workers, irrespective of whether they work in formal-sector or informal-sector enterprises; employees holding informal jobs, whether employed by formal-sector enterprises, informal-sector enterprises or as domestic workers employed by households; members of informal producers’ cooperatives; and own-account workers engaged in the production of goods exclusively for own final use by their household.

OFFICE COMMENTARY

A large majority of governments, a majority of workers’ organizations and a number of employers’ organizations agree that the resolution concerning decent work and the informal economy, adopted in 2002 (2002 resolution), is a good basis to build on to define the scope of the proposed instrument. While responding in the affirmative to the question, several governments nevertheless highlight the need to take into account recent trends and work on this issue in order to improve the description of the informal economy adopted in 2002. Several employers’ organizations also stress that there have been many developments since this description was agreed in 2002. At the Tripartite Meeting of Experts, the Employer experts indicated the need to define the concept of economic units.

Several governments suggest deleting “or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs”. Many workers’ organizations and some governments suggest taking into consideration the guidelines concerning a statistical definition of informal employment adopted by the 17th International Conference of Labour Statisticians in 2003 and the 2013 ILO statistical manual on the informal sector and informal employment.⁸

In light of the replies received and taking up suggestions made by many respondents and during the Tripartite Meeting of Experts, the Office proposes to reformulate the scope in points 5 to 10 of the proposed Conclusions in order to accommodate new developments and trends since 2002.

IV. Objectives and principles

Qu. 8 *Should the proposed instrument provide that Members should promote the creation of decent jobs in the formal economy and strengthen coherence of macroeconomic, employment, social protection and other social policies?*

Governments

Number of replies: 97

Yes: 92

No: 3

Other: 2

Comments

Bulgaria: Employment promotion policies are closely related to the field of social protection, for which sustainable employment growth is a prerequisite.

⁸ ILO: *Measuring informality: A statistical manual on the informal sector and informal employment*, Geneva, 2013.

Denmark: A strengthened coherence between employment, social protection and other social policies increases the security for both employer and worker, thereby creating a better and safer environment for doing business.

Ethiopia: This seems to be beyond the scope of the proposed instrument.

Mexico: The diverse causes of the informal economy need to be addressed simultaneously from different angles, with coherent and complementary policies, in order to achieve a gradual transition to formality.

Montenegro: The primary objective of the proposed instrument is not to create decent jobs in the formal economy but the transition of the informal to the formal economy.

Panama: A strategy might be underpinned by the integration of corporate, fiscal and university social responsibility.

South Africa: Decent work should be created in both the formal and informal economies. In the informal economy this should be implemented progressively focusing on social protection floors and then on other dimensions of decent work.

United Kingdom: This instrument is about the reduction of informal work and not the promotion of decent work.

Uruguay: Decent work is about the effective exercise of fundamental rights, and therefore the reference in question cannot be left out.

Employers

Number of replies: 20

Yes: 17

No: 2

Other: 1

Comments

ANDI, CACIF, CEC, IOE, Keidanren, MEDEF, OEB, UPS: Members should promote the creation of jobs, but through the promotion of enterprises in the formal economy; enterprises that will create jobs.

CNI: There is a problem with the conceptual definition of decent work.

Workers

Number of replies: 64

Yes: 63

No: 0

Other: 1

Comments

Consolidated reply: The proposed instrument should insist that macroeconomic, labour market, social protection and other social policies should all focus on the creation of decent employment. Developing countries in particular should be able to enjoy the necessary policy and fiscal space to implement strategies focusing on the creation of decent work in the formal economy.

ASI: The macroeconomic policies implemented by governments should be discussed with the different stakeholders because ultimately the people most affected by their implementation are workers and their families.

CCOO: It is necessary to make a distinction between undeclared work and the informal economy.

CSN: Provide for measures to formalize existing jobs, in particular with regard to self-employed workers, and follow them up, and take measures to enable women, in particular those with children, to meet their work commitments by granting long enough maternity leave and childcare facilities.

OFFICE COMMENTARY

A huge majority of governments and almost all employers' and workers' organizations agree with this statement. A few governments note that the objective of promoting the creation of decent jobs in the formal economy goes beyond the scope of the instrument or it is not the primary objective of the proposed instrument.

Most workers' organizations stress that the instrument should provide that macroeconomic, labour market, social protection and other social policies focus on the creation of decent employment in the formal economy, and that developing countries in particular should have the necessary policy and fiscal environment to implement these policies.

A majority of employers' organizations highlight that it is enterprises that create jobs and that the promotion of job creation requires the promotion of enterprises in the formal economy.

In light of the replies received, the Office proposes no change in point 11(b) of the proposed Conclusions.

Qu. 9 *Should the proposed instrument provide that it is necessary to promote transitions of workers and economic units from the informal economy to the formal economy while ensuring that opportunities for livelihood and entrepreneurship are not destroyed?*

Governments

Number of replies: 97

Yes: 86

No: 8

Other: 3

Comments

Burkina Faso: It will involve the transition of actors in the informal economy to the formal economy, without affecting the viability of their activities and employment.

Democratic Republic of the Congo: Allow time for the operators of the informal economy to adapt gradually to the new system of formal management, taking care not to destroy what already exists.

Finland: Care should be taken to prevent the emergence of unfair competition.

France: A gradual transition requires at the outset that a clear distinction be made in the definition between the informal economy and illegal employment, as performing undeclared work and failing to file social and/or tax declarations is illegal and cannot be justified by the quest for "opportunities for livelihood" or "entrepreneurship".

Latvia: The informal economy is an infringement of law and considered as unfair competition for formal entrepreneurship.

Mali, Senegal, Uganda, Tunisia, United States: The informal economy has an abundance of employment and income opportunities that must be preserved and exploited in the context of formalization. This is a very fragile sector and any inappropriate measures could break the dynamics developed by the parties involved.

Mexico: For enterprises and individuals to make an orderly and successful transition to the formal economy, it is important that they have a basic set of skills.

Mozambique: This is the main challenge for the government.

Sudan: Attention should be paid to own-account workers, who are vulnerable, operating small projects for their livelihood.

Sweden: At the same time violations of fundamental rights must not be tolerated and the proposed instrument should therefore recall the fundamental ILO Conventions over the preservation of livelihood opportunities and entrepreneurship.

Employers

Number of replies: 17

Yes: 13

No: 1

Other: 3

Comments

ANDI: It is necessary to keep in mind that the proposed instrument and the creation of mechanisms to foster formalization must not generate new socio-economic problems that result in the elimination of micro-enterprises, increasing unemployment and causing a loss of income for those whose only source of livelihood is employment in the informal economy.

CCP: The objective is to formalize informal structures and not to consider these structures within the formal economy.

Workers

Number of replies: 64

Yes: 62

No: 0

Other: 2

Comments

Consolidated reply: Transition measures should be mindful of the fact that a majority of workers work in the informal economy as their only option for survival. However, preserving opportunities for livelihood and entrepreneurship cannot be done at any cost. Workers' rights represent a minimum floor of decency that should not be infringed and the violation of fundamental rights should never be tolerated. The proposed instrument should therefore reiterate the primacy of the ILO core Conventions over the preservation of opportunities for livelihood and entrepreneurship.

ASI: The survival of millions of workers in the informal sector makes it necessary for this transition to be gradual, providing opportunities for economic growth to entrepreneurs and guaranteeing the creation of new jobs without this meaning that entrepreneurs or self-employed workers cannot exercise the gainful activity of their choice.

CUT (Colombia): We would consider a text in Spanish such as: "*es necesario promover la transición de los trabajadores y las unidades económicas de la economía informal a la economía formal garantizando que no se destruyan oportunidades de subsistencia y capacidad empresarial*".

OFFICE COMMENTARY

A vast majority of governments and employers' organizations and almost all workers' organizations agree with this statement and highlight the need to promote transitions of workers and economic units from the informal economy to the formal economy while ensuring that opportunities for livelihood and entrepreneurship are not destroyed. Some governments stress the importance of the informal sector for reducing unemployment and eradicating poverty, indicating that consequently formalization should in no way lead to the destruction of economic activities. To ensure this many replies stress the need to pursue transition gradually.

At the Tripartite Meeting of Experts, employers stressed the importance of this question and its constructive reference to entrepreneurship, highlighting that formalizing economic units is a prerequisite for formalizing informal employment.

Most workers' organizations state that preserving opportunities for livelihood cannot be at any cost and that the ILO's fundamental principles and rights at work and fundamental human rights must not be infringed.

In light of the replies received, the Office proposes to add the word "gradual" before "transitions" in point 11(a) of the proposed Conclusions.

Qu. 10 *Should the proposed instrument provide that interventions to facilitate transitions from the informal to the formal economy should recognize the diversity of circumstances of workers and economic units in the informal economy and the need to address such diversity by tailored approaches?*

Governments

Number of replies: 97

Yes: 91

No: 3

Other: 3

Comments

Denmark: The aim is to integrate the informal economy into the formal economy and not to develop a parallel system.

Germany: Regulations cannot exclusively consist of tailored approaches.

Ghana: Focusing on the diversity of circumstances will ensure and enhance tailored approaches.

India: Policies and programmes have to be country-specific and tailor-made while respecting fundamental principles and rights at work.

Italy: This might be appropriate in order to try to identify and eliminate the causes that push workers and enterprises into the informal economy.

Malawi: Particular circumstances require specific approaches and there is no unilateral path for development but rather multiple paths.

Mozambique: The economic activities differ from one another and a general approach cannot help in this process.

Portugal: Informality is multifaceted, including subcontractual work, disguised own-account workers, clandestine workers (illegal migrants), enterprises that partly declare their workers and other types of informal work, which need to be addressed separately.

Sweden: The diversity and different types of workers in the informal economy should be recognized but at the same time the instrument must be relevant for all.

Bolivarian Republic of Venezuela: The approach should be by type of worker, by productive unit and by economic activity, and the pragmatic actions or measures to be applied will be determined according to the type.

Employers

Number of replies: 17

Yes: 13

No: 2

Other: 2

Comments

CACIF: It is important to analyse groups of workers and economic units in their specific context to be able to tackle this better, and on that basis develop and address the situation of each group, using a tailored approach.

Workers

Number of replies: 66

Yes: 66

No: 0

Other: 0

Comments

Consolidated reply: Three broad categories of actors can be identified in the informal economy, namely informally employed wage workers, own-account workers and economic units. But while recognizing that diversity, the proposed instrument should also be relevant to all workers in the informal economy. It should therefore identify the key elements for all transition processes. Respect of workers' rights, access to social security, the right to maternity benefits and access to a living wage are the key elements that should be part of all transition measures.

Nezavisnost: The informal economic activities that are on the brink of becoming a crime should not be formalized but rather sanctioned.

OFFICE COMMENTARY

A vast majority of governments and employers' organizations and all workers' organizations agree that the proposed instrument should recognize the diversity of circumstances of workers and economic units in the informal economy and the need to address such diversity by tailored approaches.

One government draws attention to the inequalities between men and women in the informal economy that need to be addressed.

Most workers' organizations stress that while recognizing that diversity the proposed instrument should also be relevant to all workers in the informal economy.

In light of the replies received, the Office proposes no change in point 12(a) of the proposed Conclusions.

Qu. 11 *Should the proposed instrument provide that there are multiple paths to transition from the informal to the formal economy according to specific country context and preference?*

Governments

Number of replies: 97

Yes: 94

No: 1

Other: 2

Comments

Belgium: The social partners and the intended beneficiaries in the informal economy should be involved in identifying the approaches to transition and their implementation.

Mali: Members should be given the choice, taking into account their level of economic development and especially the consequences of globalization.

Panama: There are different labour situations in rural and urban areas, and between populations of indigenous people and small farmers.

Turkey: Good practices of countries that successfully combat informality should be included in the document.

Ukraine: The only path should be the legalization of labour relations.

United States: The meaning of “multiple paths” is unclear and no one approach can fit multiple countries. Certain common strategies must be adopted, including the provision of social benefits, protections and rights.

Employers

Number of replies: 17

Yes: 15

No: 0

Other: 2

Comments

CACIF: Successful models are always difficult to “export” because countries differ widely in several aspects. It is important to analyse the informal economy in its specific context, in order to address it in a better way.

Workers

Number of replies: 64

Yes: 63

No: 1

Other: 0

Comments

Consolidated reply: The proposed instrument should also provide for common guidance that is relevant across borders. It should also encourage the adoption of tripartite national plans on the transition from the informal to the formal economy, as a way of making sure that issues specific to the national context are properly taken into consideration.

CSN: Yes, as long as it is part of the Decent Work Agenda and the pursuit of gender equality and subject to compliance with the fundamental rights of workers, which are non-negotiable.

KSBSI: It is important to have a common understanding and approach and to propose to develop national action plans based on an integrated approach while adopting specific actions for specific groups.

OFFICE COMMENTARY

Almost all governments and employers' and workers' organizations agree with this statement. There is consensus that the proposed instrument should provide that there are multiple paths to transition from the informal to the formal economy according to specific country context and preference.

Most workers' organizations suggest that the proposed instrument should encourage the adoption of tripartite national plans on the transition from the informal to the formal economy, as a way of making sure that issues specific to the national context are properly taken into consideration. Some governments highlight that social dialogue and tripartite consultation are crucial tools to support the process of transition to formality.

In light of the replies received, the Office proposes no change in point 12(b) of the proposed Conclusions.

V. Legal and policy frameworks

Qu. 12 *Should the proposed instrument provide that national laws and regulations or other measures ensure appropriate coverage of all categories of workers and economic units?*

Governments

Number of replies: 97

Yes: 82

No: 8

Other: 7

Comments

Brazil: Adequate regulations for each type of occupation and activity will facilitate formalization because it is difficult to regulate situations of informality in an inappropriate formal model. An inadequate regulatory framework encourages ongoing informality.

Finland: The concept “economic units” might require a closer definition.

Honduras: This is not only about legislation; legal certainty must be observed in all fields through policies that are appropriate and consistent in all aspects.

Hungary: It is advisable to refer to the legal framework as a general regulatory instrument, and emphasize the importance of implementation.

India: Coverage should be a gradual process depending on country-specific conditions.

Kazakhstan: The proposed instrument should also state that national laws and regulations and other measures shall ensure decent work for all categories of employees and economic entities.

Latvia: This approach is not right given the risk that the scope of the informal economy could expand even more.

Malawi, Namibia: The major challenge is enforcement and compliance.

Poland: The term “appropriate coverage” is too broad and is open to different interpretations.

Russian Federation: National legislative and regulatory acts may stipulate measures targeted at specific categories of employees or economic entities.

Serbia: Legislative provisions must primarily provide for accurate definitions of the terms “employee” and “employer” and should cover all the activities performed in workplaces and all the categories of persons who perform them.

Switzerland: Appropriate coverage of all categories of workers and economic units will not automatically encourage individuals to move into the formal economy.

Uganda: Legal protection should be linked to profitability, improvement of productivity, the quality of products and competitiveness.

United States: The main obstacle is the implementation and enforcement of the legislation.

Bolivarian Republic of Venezuela: Legal channels are more suitable for making the necessary legal adjustments.

Employers

Number of replies: 19

Yes: 6

No: 10

Other: 3

Comments

ANDI: Special care should be taken to avoid applying the same parameter to situations that are actually dissimilar and that are justifiably regulated differently within each country.

CEC, DA, IOE, Keidanren, OEB, SEV: The informal economy often stems from cumbersome and ineffective national laws and regulations. Hence, merely providing that these laws cover all categories of workers and economic units could only serve to destroy livelihoods without promoting formalization. National laws and regulations or other measures might not be relevant to “all” categories of workers and economic units and even if they are covered, these laws are often not applied. It is also not clear whether the term “appropriate” refers to the extent of the coverage or to the relevance of the respective laws and regulations to the particular category of workers and economic units. In case it refers to the latter, it should be conveyed that the extent of the coverage should be subjected to appropriateness too as, for instance, some small enterprises do not have the capacity to address certain laws and regulations.

Workers

Number of replies: 70

Yes: 65

No: 0

Other: 5

Comments

Consolidated reply: The proposed instrument should invite governments and social partners to regularly review the scope of labour and social protection laws to: extending protection to categories of workers that are excluded (such as domestic, agricultural and home-based workers); clarifying the existence of an employment relationship so that workers who are entitled to employment protection are duly covered; adapting the scope of existing laws to new or atypical patterns in the world of work to ensure workers are adequately covered; ensuring that all workers, including those in the informal economy, can effectively enjoy freedom of association and the right to bargain collectively; extending the right to maternity benefits to all women workers, including those in the informal economy; ensuring that all workers, including those in the informal economy, can be covered by health and safety laws and regulations; extending social protection coverage and ensuring that informal economy workers have effective access to social protection schemes; and ensuring all wage workers informally employed have access to a minimum living wage. The proposed instrument should insist on the enforcement of the legal framework on the basis of a combination of incentives and sanctions. Incentives are particularly relevant to ensure that economic units in the informal economy comply with laws and regulations, while sanctions should be mindful of the vulnerability of the people to whom they apply.

SEWA: Legislation should be appropriate to the specific situation, needs and characteristics of informal actors. Legislation needs to be continuously modified according to changing trends.

OFFICE COMMENTARY

Most governments and all workers' organizations agree that the proposed instrument should provide that national laws and regulations or other measures ensure appropriate coverage of all categories of workers and economic units. A number of governments indicate that different national legal frameworks and their specificities should be taken into consideration and emphasize the importance of implementation.

While some governments are of the opinion that appropriate coverage should be achieved through a gradual extension of national legislation on the basis of the principle of non-discrimination between workers, other governments are of the opinion that it is not the right approach, as there would be a risk of further expanding the scope of the informal economy, and propose other paths to achieve formalization. A number of governments refer to the importance of tax incentives, simplified business registration, the reduction of social security contributions, education and awareness raising, among other measures, to support the transition to the formal economy.

Workers' organizations indicate that the proposed instrument should invite governments and social partners to regularly review the scope of labour and social protection laws with a view to extending protection to categories of workers that are excluded and clarifying the existence of an employment relationship. In addition, the proposed instrument should insist on the enforcement of the legal framework based on a combination of incentives and sanctions.

Most employers' organizations do not agree with the proposal. They comment that the informal economy often stems from cumbersome and ineffective national laws and regulations and that national laws and regulations or other measures might not be relevant to all categories of

workers and economic units. They also underline the fact that, even when laws and regulations cover the informal economy, the real challenges lie in implementation.

In light of the replies received, the Office proposes in point 13 of the proposed Conclusions a slight change in the formulation adopted in the questionnaire to take into account the possible need to review existing laws and regulations or other measures. Such a review could be necessary for multiple reasons, in particular, when existing laws and regulations or other measures are ineffective or need to be adapted to the changes in the world of work. The challenge and importance of implementation of laws and regulations that have been raised by several respondents are covered under the section “Incentives, compliance and enforcement” of the proposed Conclusions.

Qu. 13 *Should the proposed instrument provide that national development strategies include, where applicable, an integrated policy framework for the formalization of the informal economy?*

Governments

Number of replies: 97

Yes: 87

No: 4

Other: 6

Comments

Brazil: One of the most effective ways to achieve integration is to impose conditions on access to benefits and incentives.

France: An integrated policy framework for the formalization of the informal economy should be prepared in a tripartite context and include the seven key avenues mentioned on page 13 of Report V(1).

Germany, United States: The “integrated policy framework” should be clearly defined.

India: The national development strategies should include, where applicable, an integrated policy framework for the formalization of the informal economy focusing on employment-centred growth policies.

Netherlands: Countries should be committed to achieving ILO-agreed objectives and how they want to achieve these objectives is up to them.

Turkey: It would be more suitable for each country to determine this in their development plans according to their dynamics.

Uganda: The innovative strategies, the lessons learnt and the experiences that have been acquired and referred to in the report can be used as guidance for an integrated policy framework.

United Kingdom: Countries do not necessarily have development strategies.

Employers

Number of replies: 17

Yes: 13

No: 1

Other: 3

Comments

CNI: The discussion of national formalization policies is strategic. In addition, it is important to remember that this discussion should take place in a tripartite environment based on the principle of consensus.

CACIF: All policies on the subject, or which cover the issue of the informal economy, should be developed jointly, in order to be able to carry out the necessary measures jointly, through public–private partnerships.

Workers

Number of replies: 65

Yes: 63

No: 1

Other: 1

Comments

Consolidated reply: The integrated policy framework for the formalization of the informal economy should be elaborated on a tripartite basis and it should include and elaborate guidance on the seven key avenues indicated on page 13 (figure) of Report V(1).

OFFICE COMMENTARY

A huge majority of governments and employers' organizations and almost all workers' organizations agree that national development strategies should include, where applicable, an integrated policy framework for the formalization of the informal economy.

Some governments draw attention to the need to clarify the elements included in an integrated policy framework. One government notes that most developed countries do not have development strategies and that the text should reflect different realities. At the Tripartite Meeting of Experts, Employer experts indicated that integrated policy frameworks had to include a broader set of policies that go beyond labour law and labour market issues, including policies supporting the creation of sustainable enterprises.

Most workers' organizations and some employers' organizations share the view that an integrated policy framework should be elaborated on a tripartite basis. A majority of workers' organizations and some governments favour the inclusion of a reference to the seven policy avenues outlined in the figure on page 13 of Report V(1).

In light of the replies received which point out that not all countries have national development strategies, the Office proposes to include a reference to national plans under point 14 of the proposed Conclusions. In response to various replies stressing the need to clarify the term "integrated policy framework", the Office proposes to add point 15(a–l) of the proposed Conclusions in order to outline and specify what policy areas should be taken into account in formulating and implementing an integrated policy framework; those policy areas are based on the graph contained in Report V(1), ILC, 103rd Session, 2014 (paragraph 41).

- Qu. 14** *Should the proposed instrument provide guidance to formulate and implement integrated policy frameworks through national tripartite action to:*
- (a) *reduce the cost of transition to formality, including those relating to registration, taxation, compliance with laws and regulations?*

Governments

Number of replies: 97

Yes: 85

No: 5

Other: 7

Comments

Austria: The option to reduce costs with regard to compliance with laws and regulations (such as mandatory taxes and social insurance) should not be considered at all, as this would directly harm those companies and enterprises that abide by the law and it might have negative repercussions on formalization in the long term.

Brazil: It is important to ensure that any reductions in registration costs and any tax cuts aimed at facilitating formalization are conditional on compliance with the law and that the benefits are withdrawn in the case of non-compliance.

Côte d'Ivoire: Reducing transition costs facilitates the transition from the informal economy to the formal economy.

Denmark: The aim is to integrate the informal economy into the formal economy instead of developing a parallel system.

Djibouti, Hungary: The reduction of administration and costs related to operation in the formal economy is of primary importance.

Egypt, Lebanon, Sudan: There is a need to include specific tax exemption periods for transitions to formality.

India: Cost needs to be minimized without undermining the very objective of transition. It is necessary for the balance between the needs of cost reduction and the effectiveness of the instrument that the decision regarding laws and regulations for the purpose of transition is made through tripartite consultation, if not consensus.

Sweden: The proposed instrument should address how the costs of registering a company, for example, should be reduced when they are excessive and constitute an obstacle to compliance. However, it is not appropriate to lower the cost of not complying with laws and regulations.

United States: The term “integrated policy frameworks” should be replaced by “measures”.

Employers

Number of replies: 17

Yes: 10

No: 2

Other: 5

Comments

CCP: Unfair competition is a concern.

Workers

Number of replies: 67

Yes: 50

No: 1

Other: 16

Comments

Consolidated reply: The proposed instrument should look at ways of reducing the costs related to the registration of businesses and of workers when those are deemed too high and a deterrent to compliance. However reducing the cost of compliance with laws and regulations is not desirable. In particular compliance with labour and fiscal laws should not be discouraged.

JTUC-RENGO: We have a concern about reducing the cost of compliance with laws and regulations, particularly in the labour and fiscal spheres, if it relates to such areas of worker protection as labour inspection.

KSBSI: Reducing taxation is not the proper way of achieving formalization. Taxation is a key source of national revenue and the issue at stake is complex.

OFFICE COMMENTARY

A vast majority of governments and a majority of employers' and workers' organizations agree that the proposed instrument should provide guidance to formulate and implement integrated policy frameworks through national tripartite action to reduce the cost of transition to formality, including those relating to registration, taxation, compliance with laws and regulations. There is general agreement that the formulation and implementation of policy frameworks should occur through national tripartite action.

Many governments particularly stressed the importance of tax policy to provide incentives to formalization. Most workers' organizations stress that the proposed instrument should look at ways of reducing registration costs when those costs are deemed excessive and represent a major deterrent for compliance. Most workers' organizations also stressed that reducing costs relating to compliance with laws and regulations is not desirable; in particular compliance with labour and fiscal laws should be discouraged.

At the Tripartite Meeting of Experts, the Employer experts stressed that the proposed instrument should also make reference to other factors that contribute to attracting informal enterprises to the formal economy, as included in the resolution on the promotion of sustainable enterprises.

In light of the replies received, the Office proposes to slightly reformulate question 14(a) in point 16(a) of the proposed Conclusions. The Office notes that the issue of consultation and the role of the social partners is addressed in point 28 of the proposed Conclusions.

- Qu. 14** (b) *increase the benefits of transition to formality, including with regard to access to business services, finance, infrastructure, markets, technology, skills programmes and property rights?*

Governments

Number of replies: 97

Yes: 87

No: 3

Other: 7

Comments

Brazil: Benefits such as finance, infrastructure, markets, technology, skills programmes and property rights, when supported by public funds, should also be conditional on compliance with the legislation on formalization.

Eritrea: It could be beyond the reach of developing countries to provide at once very broad services aimed at increasing the benefits of transition to formality.

Guatemala: The State must establish policies to raise awareness of the benefits of formality.

Hungary: The development of appropriate guidelines supporting activities aiming to increase the number and efficiency of inspections seeking to reveal informal operations and employment should also be considered.

India: Care should be taken so that labour regulations are not compromised because that would defeat the very purpose of the instrument.

Netherlands: Countries should be free to choose the best way to reach these objectives, while the ILO could strengthen the efforts of countries by facilitating the exchange of best practices.

Norway: Proposes the inclusion of social security and childcare mechanisms.

Uganda: This can support entrepreneurs in moving from marginal income generation to profitable business, increased productivity and business insight, improving access to wider markets, credibility and decent employment.

Employers

Number of replies: 17

Yes: 12

No: 1

Other: 4

Comments

CACIF: It is important to consult the sectors in the context of a tripartite dialogue so that they can describe the situation for each sector and explain from their own perspective why they have not been able to become part of the formal economy. State institutions, through their actions and public policies, should raise awareness of the advantages and benefits that exist within the formal economy, as well as of the disadvantages and consequences of being part of the informal economy.

Workers

Number of replies: 64

Yes: 59

No: 0

Other: 5

Comments

Consolidated reply: It is important to ensure that these benefits are made accessible to cooperatives and other entities in the social economy.

CSN: Gender inequality with regard to property rights must be duly taken into account so as to ensure a genuine right to equality.

OFFICE COMMENTARY

A huge majority of governments and employers' and workers' organizations agree with this statement. Several governments stress the need to promote incentives to formalization, and some suggest making access to incentives conditional on formalization.

A government and an employers' organization note the need to increase awareness of the benefits of transition to formalization (reference to this is also made in the Chairperson's summary of the Tripartite Meeting of Experts (point 14)). Most workers' organizations stress the importance of ensuring that these benefits are available to cooperatives and other social economy entities.

A workers' organization states that gender inequalities between women and men must be taken into account, particularly in regard to property rights.

In light of the replies received, the Office proposes no change in point 16(b) of the proposed Conclusions.

Qu. 14 (c) *address informal employment in formal establishments?*

Governments

Number of replies: 97

Yes: 89

No: 3

Other: 5

Comments

Brazil: Informal employment in formal establishments is currently one of the biggest challenges to formalization. A specific approach to such problems must be one of the biggest concerns of the proposed normative instrument, as the situation leads to the deprivation of fundamental rights for workers, the evasion of tax contributions for the State and unfair competition for law abiding employers.

France: The proposed instrument must address the issue of informal work in establishments in the formal economy by providing for appropriate procedures and mechanisms.

Uganda: Informal employment in formal establishments encourages double standards in the workplace and prevents all categories of workers from enjoying the same benefits, rights and legal protection.

United States: The type of workers that are included should be specified and may include workers without formal contracts, misclassified workers, temporary workers, and workers who work full-time through third party contracting, but who do not receive benefits.

Employers

Number of replies: 19

Yes: 8

No: 8

Other: 3

Comments

ANDI, IOE, Keidanren, MEDEF, UPS: Same comment as for question 6. Informal employment in formal establishments is a separate issue involving different factors and consequences, which deserves to be properly addressed.

Workers

Number of replies: 64

Yes: 64

No: 0

Other: 0

Comments

Consolidated reply: Informal work in formal establishments represents a substantial part of informal employment and it should be addressed by the proposed instrument. The proposed instrument should provide for appropriate, speedy, inexpensive, fair and efficient procedures and mechanisms for settling disputes regarding the existence and terms of an employment relationship.

SEWA: There is a considerable need to address informal employment in formal establishments because a great deal of outsourcing occurs. This workforce, although part of formal employment, is not recognized and hence remains deprived of formal benefits.

OFFICE COMMENTARY

The overwhelming majority of governments and all workers' organizations agree that the proposed instrument should provide guidance to formulate and implement integrated policy frameworks through national tripartite action to address informal employment in formal establishments.

Many employers' organizations stress that the issue of informal employment in formal establishments is related to different factors and consequences, which deserve to be addressed properly, and that a clear definition of the various types of informal employment is needed.

A majority of workers' organizations note that the proposed instrument should provide for appropriate, speedy, inexpensive, fair and efficient procedures and mechanisms for settling disputes regarding the existence and terms of an employment relationship.

The Office proposes to address this issue under the "scope" section in points 5 to 10 of the proposed Conclusions.

VI. Rights at work

Qu. 15

Should the proposed instrument provide that Members should:

- (a) *extend to all workers in the informal economy the benefit of fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect to employment and occupation?*

Governments

Number of replies: 97

Yes: 77

No: 11

Other: 9

Comments

Argentina: It is important to ensure that all workers benefit from the fundamental principles and rights at work. The reference to the extension of these rights raises some questions, one of the most significant being the need to maintain that this extension was the objective of the transition to the formal economy and in this way avoid double standards in labour matters.

Bulgaria: Special attention should be paid to child labour in the informal economy where it usually occurs in the most dangerous and covert forms, including forced labour and slavery.

Chile: One of the main incentives for formalization is the range of rights and guarantees which are available to formal workers, but are not available to informal workers.

France: The proposed instrument should also provide guidance on information mechanisms to strengthen implementation and respect for the fundamental principles and rights at work and key standards in the informal economy.

Germany: This extension can be supported if: (a) the question refers only to the ILO core Conventions; (b) if economically dependent workers and not those who are “truly self-employed” are covered; and (c) if the definition of “informal economy” is altered in a way that excludes explicitly any criminal activities (such as drug dealing and trafficking).

Hungary: Such rights may only be guaranteed if workers are transferred to the formal economy, where an appropriate legal framework and law enforcement mechanisms are available for the enforcement of such rights.

Latvia, Montenegro: There is a risk that the scope of the informal economy could expand even further. The intention is not to establish the desired working conditions in the informal sector, but to encourage workers and entrepreneurs in the informal economy to transition to the formal economy.

Mali: The fundamental principles and rights at work should be recognized and applied to workers in the informal economy, with particular emphasis on the right of association.

Nepal: The question is whether a Member is able to provide these benefits to the workers when the informal economy is vast – its capacity to provide these benefits needs to be taken into consideration.

Poland, Slovenia: It should be noted that the granting of these rights should not apply to undeclared work, which is a crime.

Portugal: Workers in the informal economy should not be considered as a specific category to whom specific protection and regulation should apply.

Spain: (Same comment as for questions 15(a), (b) and (c).) Without prejudice to differences in access to employment for non-national workers, where administrative approval is a prerequisite for performing work in a self-employed or employed capacity.

Uganda: Special guidelines are needed on how freedom of association and collective bargaining can be applied in the informal economy.

United Kingdom: The order of the subparagraphs should be changed to first (b), then (c) and (a).

Employers

Number of replies: 20

Yes: 11

No: 4

Other: 5

Comments

ANDI, CNI, CCP: Insofar as the scope of many of the standards that guarantee social protection floors are specifically linked to formality itself, instead of extending rights and guarantees without distinction, the focus should be on the adoption of a standard with appropriate incentives for carrying out formal economic activities that in turn generate formal jobs.

IOE, Keidanren: The question is how rights at work are to be extended to those beyond the reach of law enforcement and how to reiterate that formalization is thus an important means through which rights at work can apply to more people in the economy. It is important that the means of ensuring these workers' rights are realistic and efficient. Social protection extended to workers in the informal economy should be proportionate and take into consideration local contexts and the nature of work.

Workers

Number of replies: 67

Yes: 62

No: 1

Other: 4

Comments

Consolidated reply: The ILO has repeated on many occasions that core labour standards apply to all workers, without any discrimination or exception. The proposed instrument should provide guidance on how to ensure that these standards are effectively enjoyed by workers in the informal economy.

CATUS: By extending these rights, work in the informal economy would become socially acceptable and thus the goal of transition to the legal economic mainstream would be lost. On the other hand, the very fact that such workers are hired in the informal sector should not be the reason for their future hardship and discrimination. Child labour and forced labour should not be tolerated whatsoever.

CCOO: (Questions 15(a), (b) and (c)) It should facilitate access to rights and benefits in the transition to the formal economy but the objective is that these workers enter the formal economy with full rights and obligations.

OFFICE COMMENTARY

The vast majority of governments and workers' organizations and many employers' organizations agree that fundamental principles and rights at work should apply to all workers. Many governments and employers' and workers' organizations stress that the challenge is the effective access to those rights for those workers and economic units who are currently in the informal economy. Some governments state that access to those rights can be guaranteed only through transitions to formality.

The majority of workers' organizations recommend that the proposed instrument should provide guidance on how to ensure that these fundamental labour standards are effectively enjoyed.

Some governments note that extending the fundamental principles and rights at work should be an objective, taking local conditions into account, especially in countries with a vast informal economy where the capacity of the Member to provide these benefits needs to be taken into consideration.

One employers' organization stresses that the means of ensuring that these workers' rights are realistic and efficient and that social protection is extended to workers in the informal economy should be proportionate and take account of local context and the nature of work.

In light of the replies received, the Office proposes some changes in the wording in point 18 of the proposed Conclusion.

Qu. 15 (b) *progressively extend to all workers in the informal economy, social security, safety and health, decent working hours and minimum wage, where such a protection exists?*

Governments

Number of replies: 97

Yes: 82

No: 7

Other: 8

Comments

Austria: A way has to be found to protect own-account workers and freelance service providers, for instance by altering the definitions of decent working hours and decent manufacturing.

Belgium: The Social Protection Floors Recommendation, 2012 (No. 202), is a new tool to assist countries in extending social protection to all those who need it.

Brazil: The following wording is suggested: "Member States should extend to all workers in the informal economy the means to make the transition to the formal economy, guaranteeing them the right to social security, safety and health, decent working hours and minimum wage, where such a protection exists."

Chile: Those benefits, linked to formal employment, are a way of attracting workers to the formal economy.

Denmark, Latvia: The aim is not to develop a parallel system, but to formalize the informal economy.

Germany: The extension does not necessarily have to be achieved by extending the existing social security system, but can also be achieved through a combination of policies, including the extension of the welfare system.

Hungary: With regard to the measures related to safety and health, decent working hours and minimum wage, we consider that these can only be guaranteed to workers in the event of their transition to the formal economy. Regarding the benefits for which entitlement conditions include aspects related to income or occupational activity, the legal framework should not be permissive in connection with informal employment.

Mali: This will involve not only progressively extending, but also adequately supporting, the right to health and safety.

Nepal: What is meant by “progressively extend” and what are the parameters, scope and limits of these terms? The minimum wage should be enforced and other benefits should also be provided from the outset and progressively extended.

Netherlands: In the case of illegal labour, workers should not be able to profit from social security.

South Africa: This should be prioritized until formality is reached and should be done in a way suitable to the sector and sensitive to its dynamics.

Switzerland: The Government states that these workers should instead be entitled to basic social protection, as the ultimate goal is really for them to leave the informal economy and enter the formal economy. The extension of social security to workers in the informal economy poses practical problems with regard to implementation.

Bolivarian Republic of Venezuela: Measures should be taken, taking into account the principle of progressive extension, by virtue of their economic and financial impact.

Employers

Number of replies: 18

Yes: 9

No: 5

Other: 4

Comments

CEC: Here the question is how rights at work are to be extended to those beyond the reach of law enforcement. One can only assume that governments have the appropriate laws in place, but a part of the economy is operating outside the law.

Workers

Number of replies: 65

Yes: 61

No: 0

Other: 4

Comments

Consolidated reply: There are some serious concerns surrounding a progressive extension in respect of health and safety laws and regulations. Given the vital nature of these protections, they should be directly implemented without any delay. In addition to the protections listed in the question above, the proposed instrument should provide that member States progressively extend to all women workers in the

informal economy maternity protection, including maternity benefits, which should be granted to all female workers irrespective of whether they work in the formal or informal economy.

OFFICE COMMENTARY

A vast majority of governments and workers' organizations and some employers' organizations agree that social security, safety and health, decent working hours and minimum wages should be progressively extended to workers in the informal economy. The responses from several governments and employers highlight that it is through formalization that access to those protections can be effective. In some responses, it is argued that accessing such protections constitutes an incentive for formalization that would be affected if similar protections were provided to workers in the informal economy without a full transition to the formal economy.

The responses from several governments and employers note that the proposed text does not address how such rights can be extended in practice, and several respondents suggest that implementation should be specific to sectors, workers' needs and the nature of the work. Workers suggest that the list should include maternity protection.

Workers' responses suggest that occupational safety and health protections should be implemented without delay. Workers and Government experts at the Tripartite Meeting of Experts agreed that it was necessary and urgent to guarantee occupational safety and health in the workplace immediately.

The Office points out that the latter issue is addressed in question 17 and that the above replies are taken into account in point 20 of the proposed Conclusions related to that question.

In light of the replies received, the Office proposes no change in point 21 of the proposed Conclusions.

Qu. 15 (c) *give special attention to women and vulnerable categories of workers, including children, young people, migrant workers and older workers?*

Governments

Number of replies: 97

Yes: 87

No: 4

Other: 6

Comments

Canada: Listing categories should be avoided as they may differ depending on national contexts and change over time.

Greece: The employment of women and the protection of health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding should be mentioned separately from the other vulnerable categories of workers.

Poland: Concerning migrant workers, this should apply only to workers with legal status.

South Africa: Those with disabilities and low levels of education and former prisoners should also be included.

Sweden: In addition to the groups mentioned, special measures should target people with disabilities and others at risk of discrimination based on the distinctions listed in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Switzerland: It would be better to take into account individual situations without necessarily focusing on categories of people, but the reply could be affirmative for children and young people.

Bolivarian Republic of Venezuela: Add people with disabilities, heads of household and migrant workers.

Employers

Number of replies: 18

Yes: 7

No: 4

Other: 7

Comments

IOE, OEB, SEV: Segmenting the informal economy could lead to the negligence of some other groups of workers and could potentially be counterproductive to promoting formalization.

Workers

Number of replies: 63

Yes: 61

No: 0

Other: 2

Comments

Consolidated reply: More than special attention, vulnerable categories of workers need rights and need their rights to be effectively enforced. The proposed instrument should provide guidance regarding effective enforcement mechanisms adapted to vulnerable workers. It should also address the particular constraints women face, including their caring responsibilities, recognize the undervaluation of women's work and discourage gender segregation of labour markets.

SEWA: Strategies to better deal with these vulnerable workers include opening centres run by women or linking women to sustainable livelihoods by providing specially designed skills training according to the needs of women workers and young people.

OFFICE COMMENTARY

The immense majority of governments and workers' organizations and some employers' organizations replied to this question in the affirmative. Nevertheless, some governments and employers object to the listing of vulnerable categories of workers, arguing that all workers in the informal economy should be targeted and that categorizing them could lead to the exclusion of workers not in the listed categories and that the relevant categories may differ depending on national contexts and change over time.

Several governments suggest that child labour should be explicitly mentioned given that it is one of the worst manifestations of informality. Some government responses suggest explicitly including people living with disabilities in the enumerated list of vulnerable categories of workers. One government suggests identifying the targets of special measures according to the distinctions listed in Convention No. 111.

Some government responses and the majority of workers' responses suggest that the instrument should provide guidance regarding the implementation of enforcement mechanisms adapted to vulnerable workers.

In light of the replies received, and with reference to the 2002 ILC conclusions,⁹ the Office proposes to address this issue in points 3(g) and 16(c) and (d) of the proposed Conclusions. The Office proposes adding a specific reference to indigenous and tribal peoples, persons affected by HIV or AIDS and persons with disabilities, as they are also especially vulnerable to the most serious decent work deficits in the informal economy.

VII. Employment

Qu. 16 *Should the proposed instrument recall that the Employment Policy Convention, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), contain provisions relating to the formulation and implementation of a national employment policy in order to increase productive employment creation in the formal economy through pro-employment macroeconomic and sectoral policies, sustainable enterprises, development of cooperatives, employability and skills development in both rural and urban areas?*

Governments

Number of replies: 97

Yes: 86

No: 9

Other: 2

Comments

Brazil: It is very important that the proposed instrument should emphasize the need to integrate the different policies that could encourage formalization by way of mechanisms that, on the one hand, encourage the creation and retention of decent work opportunities and, on the other, discourage the creation of informal jobs.

Democratic Republic of the Congo, Portugal: The instrument should reiterate the need to promote policies for the creation of employment in the formal economy, in both urban and rural areas.

Gabon: This would make the text of the proposed instrument cumbersome and Convention No. 122 and Recommendation No. 169 are sufficient in themselves.

Hungary: It is important to raise awareness of the fact that the existing labour standards already include regulations aiming to promote employment in the formal economy and thereby, indirectly, to guide the way out of informality. In addition, reference should also be made to the Labour Inspection Convention, 1947 (No. 81).

⁹ See in particular points 20 and 37(l) of the 2002 ILC conclusions.

India: There is a need to have an employment policy in order to increase productive employment creation in the formal economy through pro-employment macroeconomic and sectoral policies, sustainable enterprises, the development of cooperatives, employability and skills development in both rural and urban areas.

Mauritius: Formalizing the informal sector should be part and parcel of the national employment policy.

Morocco: Guidance on the development and implementation of an active national employment policy should include guidelines on the reform of the informal sector, which should focus on the promotion of small enterprises and cooperatives.

Russian Federation: The following measures should be implemented with the aim of increasing employment in the formal sector of the economy: (a) encouraging the creation of jobs in the formal sector and improving their quality (decent wages, working conditions and social guarantees); (b) providing more possibilities for involving people in the formal economy by improving their qualifications and professional skills; (c) assisting in the employment of people encountering difficulties in the labour market (parents with several children, women raising young children, people living with disabilities, and young people without work experience).

Spain: The reference might be better placed in the Preamble, in line with question 3.

Uganda: The explicit goal of an employment-oriented macroeconomic framework is to raise productivity, facilitate economic transformation and increase the availability of decent jobs, while improving the ability of workers to do those jobs.

Employers

Number of replies: 18

Yes: 12

No: 2

Other: 4

Comments

CEC: This dilutes the focus on the informal economy.

CNI: The reference to another Convention could create a need for ratification, interfering with each member State's power to decide whether or not to ratify it.

Workers

Number of replies: 64

Yes: 61

No: 1

Other: 2

Comments

AFL-CIO, CUT(Colombia): It might be better to include this in the Preamble.

CITUB: It is important to draw the attention of governments and the social partners to the elaboration of national employment policies, which must contain specific measures regarding rural areas and cooperatives where undeclared work occurs the most.

KSBSI: The policies should be interlinked with a view to achieving the goals of decent work and formal employment in order to secure the rights of workers. While pro-employment policies should result in productive employment, industrial and sectoral policies are also key.

OFFICE COMMENTARY

A huge majority of governments and employers' and workers' organizations agree with this statement, which recalls Convention No. 122 and Recommendation No. 169. Some governments and workers' organizations stress the need to have an employment policy in order to increase productive employment and facilitate transitions to formality.

Some governments indicate that there is no need to recall Convention No. 122 and Recommendation No. 169 as the text of the proposed instrument should be short.

In light of the replies received, the Office proposes no change in point 17 of the proposed Conclusions.

VIII. Working conditions and social protection

Qu. 17 *Should the proposed instrument recognize the necessity of progressively adopting preventive measures to address the unsafe and unhealthy working conditions that often characterize work in the informal economy?*

Governments

Number of replies: 97

Yes: 93

No: 2

Other: 2

Comments

Brazil, Ghana: The word "progressively" does not seem appropriate to address issues relating to unsafe and unhealthy work. The appropriate word is "immediately".

Burkina Faso: The proposed instrument should focus on education and training.

Denmark, Latvia: The aim is not to develop a parallel system but to formalize the informal economy to ensure that all workers will be covered by the existing protection.

Egypt: Through increasing the role of labour inspection, prohibiting the employment of children and women in dangerous occupations and implementing an awareness-raising campaign about the dangers of some industries.

Finland: Occupational health and safety also needs to be promoted in the combat against the grey economy. However, undeclared work should not be made particularly attractive.

France: The Government emphasizes the importance of occupational health and safety, including the question of the duration and hours of work and their impact on occupational health and safety.

Germany: The regulation should not apply to the self-employed or cover criminal activities.

South Africa: There is a high rate of safety incidents in the informal sector and hence the proposed instrument should prioritize safety at work and institute punitive measures for those who forego safety in the pursuit of productivity.

United Kingdom: Any reference to occupational safety and health in a Recommendation on the informal economy should mention relevant aspects of the existing ILO instruments relating to occupational safety and health.

United States: Replace “adopting preventive” by “implementing”.

Employers

Number of replies: 19

Yes: 11

No: 4

Other: 4

Comments

ANDI: We believe however that it is essential that occupational safety and health standards, without compromising the safety and health of workers, should impose responsibilities that are progressive and differentiated according to the capacity of enterprises, so that the requirements do not discourage the creation of sustainable enterprises.

IOE, Keidanren, OEB: This is like the issue of including informal employment (questions 6 and 14(c)); it is diluting the focus on transition from the informal to the formal economy. While ensuring workers’ health and safety and expanding women’s employment opportunities are highly important priorities, there must be shared responsibilities; the means of ensuring these must not be detrimental to the costs of doing business, especially for SMEs, and conditions must be conducive to creating enterprises in the formal economy, which are important for facilitating formalization and for employment creation.

Workers

Number of replies: 67

Yes: 67

No: 0

Other: 0

Comments

Consolidated reply: The proposed instrument should recognize the necessity of adopting measures related to healthy and safe working conditions and work environments as soon as possible. The word “progressively” might not be appropriate in this case as the objective should be a quick and effective implementation of these measures, whose implementation saves lives. The proposed instrument should also recognize the importance of regulating working hours given the impact of such regulation on workers’ health. The proposed instrument should also recognize the diversity of workplaces for workers in the informal economy, which include small workshops, private households, markets, streets and other public spaces.

ASI: The member States must guarantee working conditions by legislating in this regard and penalize establishments that continue to have unsanitary conditions that threaten the health of workers. They must also create awareness-raising mechanisms for workers who are exposed to carbon monoxide and other environmental contaminants.

CATUS: It would be better to have a time-limited transition period.

CSN: Particular attention should be paid to prevention measures for traditionally “female” jobs where the inherent risks are generally underestimated.

OFFICE COMMENTARY

Almost all governments, all workers’ organizations and a large number of employers recognize the importance of the proposed instrument adopting preventive measures to address the unsafe and unhealthy working conditions of workers in the informal economy. Many of them stress that the extension of these measures should not be progressive but immediate or realized as

soon as possible. At the Tripartite Meeting of Experts, Government experts were in agreement that the word “progressively” should be deleted.

Some respondents prefer a transitory period, which would be recommendable because immediate implementation might not be feasible. A few respondents oppose or partially oppose the extension as there is a risk that informality would expand by making it more attractive. Employers highlight that the means of ensuring these measures must not be detrimental to the costs of doing business, especially for SMEs.

Some the respondents refer to the need for awareness raising and the education of all involved parties. Some respondents consider that prevention and sanctions should be balanced and that an effective response requires coordinated efforts from tripartite constituents at national and local levels. The Chairperson’s summary of the Tripartite Meeting of Experts emphasized the need for a balanced approach combining incentives, information, advice, capacity building and sanctions.

In light of the replies received, the Office proposes deleting the word “progressively” in point 20 of the proposed Conclusions.

Qu. 18 *Should the proposed instrument recognize that providing childcare and other affordable quality care services is a necessity for expanding women’s employment opportunities and enabling them to transition from informal to formal work?*

Governments

Number of replies: 97

Yes: 88

No: 5

Other: 4

Comments

Benin: The State should provide incentives to encourage the creation of childcare and other care services.

Bulgaria: The support in this context should include: providing childcare, parental leave and job creation compatible with family life, investments in children and their education through programmes and services in early childhood and family services at the family home, as well as the development of a network of services for children and families, including day-care centres.

Canada: The following wording is preferable: “Recognize that access to childcare and other affordable quality care services can facilitate the expansion of women’s employment opportunities and enable them to transition from informal to formal work”.

Egypt: Government assistance to employers to bear some of the costs, such as for childcare, holidays and maternity.

Ethiopia: Although the provision of such services is generally desirable, it may be challenging to afford.

Latvia: The general provision of childcare services and the associated institutional arrangements should enable parents to return to work after parental leave and earn income, thereby reducing the potential risk of unemployment and poverty.

Mali: These measures are beyond the reach of developing countries.

Morocco, Tunisia: Social legislation should provide for childcare and other quality care services free of charge or at reasonable prices.

Panama: Comprehensive early childhood care and guarantees that allow women to meet their work responsibilities should not discriminate between women, regardless of whether they are working in the formal or informal sectors.

Poland: The proposed instrument should preferably characterize such policies as advisable rather than necessary.

Russian Federation: The provision of childcare and other affordable care services is a pressing need in order to give women more employment opportunities and facilitate their transition from informal to formal employment.

South Africa: The provision of childcare will benefit both mothers and children, while also creating jobs for child minders.

Sweden: A gender-neutral design of childcare and other social services is also important as it underlines that childcare and households are the responsibility of every parent, regardless of gender.

United Kingdom: It cannot be presumed that childcare and other care services should only be provided by, and are only achievable if provided by, the State, and the text should make this clear.

Employers

Number of replies: 18

Yes: 9

No: 4

Other: 5

Comments

ANDI: Although this measure may be functional, the regulation of these matters should be entrusted to the education system of the member States and should not be part of a labour instrument.

CNI, Keidanren, OEB, SEV, UPS: The issues raised divert the focus from helping facilitate the transition from the informal to the formal economy to other topics. The focus should be the shared responsibilities that are not detrimental to conducting business, especially for SMEs.

IOE: See comment under question 17.

Workers

Number of replies: 64

Yes: 63

No: 0

Other: 1

Comments

Consolidated reply: Women make up the majority of workers in the informal economy. Caring responsibilities fall disproportionately on women's shoulders, hindering their access to formal jobs. It is

therefore essential for the proposed instrument to include measures aimed at reducing caring responsibilities for women. Further, the proposed instrument should recognize that the costs of care services must not be borne by families and employers alone. Governments should support the funding of care services and ensure that high quality standards apply to care facilities. Providing affordable high quality childcare facilities for workers in the informal economy is also an effective way of preventing child labour. Indeed, when children accompany their parents to work, they engage more rapidly in labour.

CSN: It should also provide for sufficiently long maternity leave and for parental leave so that men can play a greater role.

OFFICE COMMENTARY

The overwhelming majority of governments and workers' organizations and many employers' organizations agree with this statement. Some governments and workers' organizations point out that the provision of these services is a question of cost. Workers' organizations recommend that the proposed instrument should recognize that the cost of these services should not be borne by families and employers only. They stress that governments should support the funding of care services and ensure that high quality standards apply to the service facilities. Employers reiterate that these costs should not be detrimental to conducting business, especially for SMEs.

In light of the replies received, the Office proposes no change in point 22 of the proposed Conclusions.

Qu. 19 *Should the proposed instrument provide that, in building and maintaining their national social protection floors within the social security system, Members should pay particular attention to the needs and circumstances of workers in the informal economy and their families with a view to ensuring adequate social security coverage and fostering transitions to formality?*

Governments

Number of replies: 97

Yes: 82

No: 13

Other: 2

Comments

Argentina: Social security is a vital tool to reduce poverty and inequality, and would seem to be indispensable when contemplating the transition of people from the informal to the formal economy.

Benin: Workers in the informal sector will be motivated to enter the formal sector.

Canada: The wording of the proposed instrument should mirror the wording of Recommendation No. 202.

Denmark, Latvia: The aim is not to develop a parallel system but to formalize the informal economy to ensure that all workers will be covered by the existing protection.

Egypt: Governments should extend the social protection system to workers in the informal economy and their families to motivate them to join the formal system (including education, public health, housing and utilities).

Estonia: It is quite impossible to pay real and effective attention to the needs of workers in the informal economy. The first step will be to transition.

Ethiopia: Although this may be desirable, the question of affordability needs to be considered.

Hungary: National social protection systems may indirectly contribute to promoting transitions from the informal to the formal economy by making access to certain benefits conditional on circumstances related to income and occupational activity.

Montenegro: The social welfare system needs to be fiscally responsible and financially sustainable. It should be noted that this system is funded solely through the contributions of those who work in the formal economy and they cannot and should not fund the unfair competition that operates in the informal economy.

Nepal: Microfinance and microinsurance mechanisms may be appropriate alternative tools.

Portugal: Not in favour of the adoption of rules and levels of social protection directed exclusively at the workers in the informal economy. Nevertheless, governments should adequately address the specific social and economic circumstances of informal workers.

South Africa: Should be discussed to achieve a well-balanced approach to contribution without the workers feeling it as a punishment.

Tunisia, Uganda: Social security schemes that are suited to workers in the informal sector in terms of membership procedures, payment of contributions and the granting of benefits must be introduced, taking into account the ability of these categories to make contributions.

United Kingdom: The proposed text should aim at the objective but not prescribe the means.

Bolivarian Republic of Venezuela: The minimum standards of social protection will depend on the actuarial, financial and economic studies undertaken by each State.

Employers

Number of replies: 20

Yes: 12

No: 4

Other: 4

Comments

CCP: Such coverage would create a situation of injustice among workers who contribute to the social security system and those who do not contribute.

CEC, ANDI, OEB, SEV, IOE, Keidanren, UPS: The social security system must be fiscally responsible and financially sustainable and subject to local contexts.

CNI: Simply extending social security coverage to informal workers will create an incentive to withdraw from the formal sector.

Workers

Number of replies: 65

Yes: 65

No: 0

Other: 0

Comments

Consolidated reply: The proposed instrument should provide that all workers in the informal economy should enjoy at least the minimum guarantees provided for in Recommendation No. 202. Increasing social security coverage and extending it to workers in the informal economy must be a priority of transition processes. The proposed instrument should also refer to the Social Security (Minimum Standards) Convention, 1952 (No. 102) – the ILO flagship Convention on social security – and provide higher levels of benefits to as many people as possible.

OFFICE COMMENTARY

A majority of governments and employers' organizations and all workers' organizations agree with this statement. Some governments and many workers' organizations reaffirm the need to adopt measures and policies that ensure that those who fall outside of formality have access to such protection through effective coverage to facilitate the transition to formality. Some respondents caution against possible disincentives to formalization if social protection is provided to informal economy workers. The financial and fiscal sustainability of social security systems is an important concern for a number of governments and employers' organizations. At the Tripartite Meeting of Experts, some Employer and Government experts stressed the need to adopt a progressive approach to the extension of social security to workers in the informal economy.

In light of the replies received, the Office proposes no change in point 23 of the proposed Conclusions.

Qu. 20 *Should the proposed instrument provide that Members should progressively extend the coverage of social insurance to additional categories of workers (such as own-account workers, domestic workers, workers in rural areas and workers in small and micro-enterprises) and, if necessary, adapt administrative procedures, the scope of benefits and contributions taking into account their contributory capacity?*

Governments

Number of replies: 97

Yes: 83

No: 8

Other: 6

Comments

Belgium: Each member State should implement a social protection floor on the basis of its socio-economic and budgetary situation in order to shield people working in the informal economy from extreme poverty, and then to progressively provide them with the means to access a more productive job.

Benin: Raise stakeholders' awareness of the importance of social protection and define the appropriate mechanisms that call for individual contribution.

Denmark: The aim is not to develop a parallel system but to formalize the informal economy to ensure that workers will be covered by the existing protection.

Germany: It should be the responsibility of each member State to determine the scope and the coverage of its social insurance systems.

Hungary: Extending social insurance coverage to the categories of workers mentioned in the question may have a stimulating effect on transition to the formal economy.

Kazakhstan: In order to legalize informal employment and provide incentives to reduce such employment among migrant workers, the act shall stipulate for and include provisions on the prospective introduction of international social insurance for migrant workers by establishing international social insurance and migrant workers' protection funds.

Malawi: A lot of effort is required to raise awareness and address limitations in terms of the contributory capacity.

Mali: Preference should be given to voluntary insurance.

Montenegro: A requirement is that the costs of extending the coverage of social insurance must be acceptable for employers, in order to ensure the sustainability of given jobs.

Morocco: Governments' programmes of action should focus on: (i) progressively extending health insurance coverage; and (ii) adapting the administrative procedures, scope of benefits and contributions, taking into account the contributory capacity of informal units.

Netherlands: It is not clear whether extending the coverage of social insurance to additional categories of workers is desirable and/or possible.

Portugal: It is considered that all workers should have the right and access to a social protection system rather than there being a particular system of social protection for specific categories of workers in the informal economy, although some difficulties may arise in the management of the social contributory schemes.

Senegal: But very progressively; that is the whole point of measures such as simplified schemes for small contributors and universal health coverage.

Sudan: Also seasonal workers in the agricultural sector.

Tunisia: Social security schemes set up for workers in the informal sector should include safeguards in order to prevent transitions from the formal sector to the informal sector.

Uganda: The principle of extending coverage is acceptable but the challenge is to set up an institutional mechanism that would reach out to all the different categories of workers, since in developing countries the majority of the labour force consists of self-employed and own-account workers.

United Kingdom: It is necessary to stress that the objective is to minimize social exclusion due to lack of access to any form of social security and not to prescribe which form of social security should be used to achieve this.

United States: Why is reference being made to specific groups of informal economy workers when social protection floors are universal in scope?

Bolivarian Republic of Venezuela: Under the principle of gradual and progressive implementation.

Employers

Number of replies: 20

Yes: 11

No: 3

Other: 6

Comments

ANDI, DA, MEDEF, SEV, IOE, Keidanren: The capacity of self-employed workers, employers and enterprises needs to be considered. Also, employers' contributions to the coverage of social insurance for these additional categories of workers should be proportionate to ensure that the costs remain affordable for the employers so that these jobs and livelihoods are not destroyed.

CNI, EK: The main focus is to secure funding for this system along with a reduction in bureaucracy to access it.

UPS: This should be handled at the national level.

Workers

Number of replies: 67

Yes: 63

No: 1

Other: 3

Comments

Consolidated reply: A clear distinction should be made between wage workers, whose employers should be required to contribute to social insurance schemes, and own-account workers, who do not have an employer to fund contributory schemes. While social insurance schemes should take account of the contributory capacity of workers, they should also take account of that of employers in order to be fair and responsive to the situation of different categories of workers in the informal economy.

BAK: When progressively extending the coverage of social insurance to additional categories of workers, it is crucial to ensure that the allocation takes place on the basis of the total profit of the respective value chain to prevent such situations as own-account workers or the self-employed at the bottom of the value chain suffering from wage dumping.

CSN: Progressively, but within a reasonable time frame.

OFFICE COMMENTARY

A vast majority of governments and employers' organizations and almost all workers' organizations support the inclusion of this provision. Such extension is seen by some governments as positive for the transition process, and many provide examples of how the coverage of these categories of workers in the informal economy is provided in their country. Many respondents reaffirm the need for adapted and appropriate mechanisms that take into account the specific circumstances of these workers, as well as their diversity.

Employers note that the costs of extending social insurance coverage should be affordable for them. The majority of workers' organizations stress that a clear distinction should be made between wage workers, whose employers should be required to contribute to social insurance schemes, and own-account workers, who do not have an employer to fund contributory schemes.

In light of the replies received, the Office proposes to adapt the wording in point 24 of the proposed Conclusions in order to reflect the objective of the proposed instrument which is "to facilitating transitions to formality" and proposes to delete "(such as own-account workers, domestic workers, workers in rural areas and workers in small and micro-enterprises)".

Qu. 21 *Should the proposed instrument encourage Members to regularly review their social security systems with a view to ensuring that they operate in an effective and efficient manner taking into account the importance of promoting the formalization of the informal economy?*

Governments

Number of replies: 97

Yes: 95

No: 0

Other: 2

Comments

Burkina Faso: This is one of the means of making the system operational in order to attain the objectives set.

Eritrea, Ghana: No social security system can operate efficiently without regularly reviewing and evaluating its previous activities.

Germany: A review should be optional.

Hungary: Regular reviews provide an appropriate opportunity to identify areas of action that may give a positive impulse to the promotion of transitions to the formal economy.

India: There is a need to regularly review existing social security systems and to expand coverage. It is also crucial to take into consideration the sustainability of the system from the financial and budgetary point of view.

Nepal: Members need to be encouraged to review their social security systems regularly, through the adoption of appropriate instruments and, where necessary, support should be provided for such review.

Poland: Whenever States review their social security systems to ensure that they operate in an effective and efficient manner, they should also appraise the formalization effect of those systems.

Employers

Number of replies: 17

Yes: 9

No: 2

Other: 6

Comments

KEF: Cannot be generalized and may vary by country.

Workers

Number of replies: 67

Yes: 63

No: 1

Other: 3

Comments

Consolidated reply: The review should be carried out on a tripartite basis and should assess the progress made in extending coverage to workers in the informal economy. Monitoring the percentage of workers in the informal economy being covered by social security systems should be a priority.

OFFICE COMMENTARY

Almost all governments and workers' organizations and many employers' organizations agree with this statement. Some governments state that such reviews ensure that social security systems are efficient and adapted to the social and economic context. Some other governments consider reviews to be a good opportunity to examine social security policies and change the course of action if necessary. A large number of workers' organizations identify the coverage of informal economy workers under social security systems as a priority for monitoring.

In light of the replies received, the Office proposes to address the issue of regularly reviewing social security systems in point 32 of the proposed Conclusions.

IX. Compliance and enforcement

Qu. 22

Should the proposed instrument provide that:

- (a) *each Member should establish and develop appropriate mechanisms for compliance with laws and regulations covering workers and economic units in the informal economy with a view to ensuring transition to formality?*

Governments

Number of replies: 97

Yes: 87

No: 5

Other: 5

Comments

Belgium: It might be worth considering the idea of a plan of action to combat the informal economy by raising awareness of the negatives, promoting registered employment, simplifying legislation and procedures, developing an effective monitoring system including penalties, and improving information sharing and coordination among the relevant institutions.

Brazil: The proposed instrument should advise Members to strengthen labour inspection, both in quantity and in quality.

Canada: Effective inspection systems start with clear, practical and effective laws, including fines and penalties sufficient to deter non-compliance, administered and enforced by a professional, skilled and motivated inspectorate.

Ethiopia, Nepal: The instrument may propose appropriate compliance mechanisms that Members may take as a reference guide depending on their country context.

France: The proposed instrument should provide guidance on these mechanisms; the role of tripartite dialogue is essential in this respect.

Guatemala: The economic and legal conditions of the formal economy can be extended when they have completed the transition to the formal economy.

India: To ensure efficient compliance, simplification of procedures and rules is required so that the informal sector is gradually brought into the legislative framework. To ensure transition to formality, special attention needs to be paid to compliance of provisions dealing with employment relations and minimum conditions of decent work and social security.

Malawi: The informal sector requires a lot of compliance assistance including tailor-made programmes specifically for the informal sector.

Morocco: The gradual development of appropriate mechanisms and of the structure for ensuring the implementation of labour laws, in particular through labour inspection, is necessary for formalization.

Norway, Sweden: Each Member should extend the existing ones to cover the informal sector rather than developing new mechanisms.

Poland: What might be an issue is just the effectiveness of such mechanisms.

Spain: The word “appropriate” is important in order to allow flexibility for the various countries to adapt such mechanisms to suit their particular circumstances, both now and as they evolve over time.

Tunisia: Supervision has to be strengthened by planning targeted campaigns focusing on the advisory and informative role rather than on punishment.

Turkey: Given that conditions in each country are different, a common mechanism for all countries should not be foreseen.

Uganda: Member States need support to build the capacities for labour inspection and public education tailored to the informal economy.

United States: This statement should acknowledge that this would apply only to countries that do not yet have appropriate mechanisms in place.

Employers

Number of replies: 19

Yes: 8

No: 9

Other: 2

Comments

ANDI: Appropriate mechanisms should be established and developed to promote formalization of economic units and jobs, but not to create a two-tier system under the standards.

CEC, MEDEF, SEV, IOE, Keidanren, UPS: This assumes the existing laws and regulations are efficient and sound. Many countries have large informal economies precisely because the laws in place are not appropriate, practical, effective and efficient. There should be an impact assessment of the existing laws and regulations before compliance is enforced.

DA: There is the possibility that laws in place might not be appropriate, practically effective and efficient.

Workers

Number of replies: 69

Yes: 67

No: 0

Other: 2

Comments

Consolidated reply: As the informal economy is characterized by a high degree of non-compliance with laws and regulations, compliance mechanisms are crucial to enable a transition from the informal to the formal economy. Compliance mechanisms should include both incentives and sanctions. Incentives are particularly useful to ensure the compliance of informal economy actors. Special bodies or units monitoring compliance are useful to ensure progress over time. Those bodies or units should work in close cooperation with all stakeholders, including municipal authorities, ministries of labour, trade unions, employers' organizations and organizations of workers in the informal economy. The proposed instrument should provide for a higher level of coordination between the various enforcement bodies, including labour inspection, tax authorities, social security bodies and so on.

KSBSI: In order to ensure the effective enforcement of laws and regulations, there is a need to increase the number of inspectors, to ensure adequate training to enable them to better understand the informal economy, and to carry out inspections in a tripartite manner.

UGT (Portugal): Sanctions should be proportionate, taking into account the right of workers to earn a living.

OFFICE COMMENTARY

A large majority of governments and almost all workers' organizations agree with this statement. Numerous replies underline the fact that many countries already have appropriate mechanisms and that establishing new ones is not necessary.

Some governments indicate that there is a risk of developing a parallel system, which might lead to further expansion of the informal economy.

Several governments and employers highlight that effective institutions and clear, practical and effective laws are important to ensure effective compliance.

Employers propose that there should be an impact assessment of the existing laws and regulations, using an impact assessment mechanism, before compliance is enforced.

In light of the replies received, the Office proposes to add the element of reviewing existing mechanisms in point 25(a) of the proposed Conclusions.

Qu. 22 *(b) the mechanisms should include an adequate and appropriate system of inspection?*

Governments

Number of replies: 97

Yes: 89

No: 3

Other: 5

Comments

Brazil: Members should attempt to implement the most effective combination of the mechanisms for penalties and for guidance used by the labour inspection services. Raising employers' awareness is essential.

France: It would be useful to provide guidance to strengthen the capacities of the labour administration and inspection to intervene in the informal economy, such as establishing a labour inspection methodology.

Lebanon, Nepal: Most countries have a labour inspection system, but what is needed is to strengthen its capacities and train it on new developments.

Serbia: It is of vital importance to raise the awareness of employees and employers about the importance of applying health and safety measures and legalizing employment relations.

Spain: An adequate and appropriate system of inspection is highly advisable as part of a holistic policy, alongside the necessary development of standards, in order to afford the maximum safeguards for the protection of workers' and employers' rights.

Switzerland: The effective application of the various legislative provisions is not dependent on an inspection system alone, but also of course on the courts.

United Kingdom: The goal of the mechanisms is to reduce non-compliance and enforce the law and not just to focus on ensuring the transition from informality to formality.

United States: A useful instrument would need to explain how to conduct inspections in the informal economy.

Employers

Number of replies: 19

Yes: 13

No: 2

Other: 4

Comments

CEC, DA, OEB, SEV, IOE, Keidanren: The system of inspection should be transparent and efficient, provide the opportunity to give feedback and should not impose unnecessary costs on employers.

Workers

Number of replies: 68

Yes: 64

No: 0

Other: 4

Comments

Consolidated reply: Systems of inspection are crucial to ensuring compliance, provided they have a clear mandate, receive adequate resources and remain independent. With regard to labour inspection, the proposed instrument should reflect the key principles set out in Convention No. 81, in the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and in the conclusions of the 2011 general discussion on labour administration and labour inspection. In particular, the proposed instrument should insist that the number of labour inspectors be adequate and that inspectors take account of both employers' and workers'

views. Further, all inspectors should be trained on the specific nature of the work carried out in the informal economy.

CCOO: Coordinated action between the labour and social security inspectors and the tax inspectors is essential.

CONUSI, CONATO, CS: Institutional inspection together with the workers (trade unions).

SEWA: In many cases in the informal economy, inspections alone do not achieve the desired results. It is therefore necessary to have social dialogue with employers and contractors in conjunction with inspection.

OFFICE COMMENTARY

The overwhelming majority of governments and employers' organizations and almost all workers' organizations agree with this statement. Employers emphasize that labour inspection must be transparent and efficient, must not impose unnecessary costs on employers and that there should be an opportunity for feedback. Several respondents also stress that there should be synergies among various labour inspection services and that there should be a balance between awareness raising, advisory and enforcement roles. Several respondents note the need for close collaboration between labour inspection systems and social partners.

In light of the replies received, the Office proposes no change in point 25(b) of the proposed Conclusions.

Qu. 22 (c) *the mechanisms should include information, guidance and capacity building for relevant actors and compliance assistance?*

Governments

Number of replies: 97

Yes: 92

No: 1

Other: 4

Comments

Ghana: Relevant actors such as labour inspectors should be given relevant training, information and guidance to ensure effective monitoring and inspection.

India: Only informed enforcement officials can discharge enforcement functions in an effective manner and therefore they must be kept informed of all changes made to ensure that enforcement techniques evolve to meet the requirements of rapidly changing economies.

Latvia: The capacity building of the relevant actors should be determined taking into account the level of the informal economy in the member State, the economic and financial situation in the country and the duties determined for these relevant actors, as well as previous capacity-building activities.

Mali: Given the peculiarities of the informal sector, the approach to be adopted must focus on education rather than penalties.

Morocco: The dual mandate of labour inspection is: (i) to ensure that the legal provisions are applied; and (ii) to provide information and technical advice to employers and employees.

Senegal: Communication is an essential link in the standardization process, in particular in the assimilation of the existing legislation.

South Africa: The capacity of the relevant actors, such as informal business associations, is very critical as it will enhance positive social dialogue.

Spain: It is essential to include supplementary, non-coercive measures in the activities of labour inspectors. These measures may be developed by the inspection system or other existing bodies, in accordance with the mandates of the bodies or institutions in each country.

Bolivarian Republic of Venezuela: The mechanisms should have a prevention phase, including promotion, information and provision of guidance to workers in productive units on their obligations under the legal requirements; this phase should come before penalties, which are generally a part of any inspection or audit process.

Employers

Number of replies: 17

Yes: 9

No: 1

Other: 7

Comments

ANDI: In addition, there should be a mechanism to assess the impact of the existing laws and regulations.

Workers

Number of replies: 67

Yes: 63

No: 0

Other: 4

Comments

Consolidated reply: Education and capacity-building activities are essential to ensure that workers and employers in the informal economy are aware of their rights and obligations. The proposed instrument should provide that member States ensure that legal information is disseminated through proper channels and that capacity-building activities are regularly organized by competent public authorities.

CUT (Colombia): Should also be provided to the relevant authorities, actors in the formal economy who may have influence on or participate in the formalization process, and employers' and workers' representatives at the national level.

OFFICE COMMENTARY

A large majority of governments, almost all workers' organizations and many employers' organizations endorse this provision. There is wide agreement that exchange of information, awareness raising and provision of incentives are necessary components of the compliance mechanism, especially in the informal sector. Some respondents emphasize the need for capacity building for a broad range of actors including informal business associations.

In light of the replies received, the Office proposes to include the provision of incentives as one of the elements for compliance assistance in points 12(c) and 25(b) of the proposed Conclusions.

Qu. 23 *Should the proposed instrument provide that each Member should ensure that penalties (administrative, civil or penal) imposed by law are adequate and strictly enforced?*

Governments

Number of replies: 97

Yes: 85

No: 5

Other: 7

Comments

Austria: Laws should always be adequate. With regard to the strictness of enforcement, a distinction should be made between cases where employers circumvent the laws and cases where the informal sector exists as a consequence of severe poverty (focus should then be on poverty reduction and not on strict law enforcement).

Benin, Burkina Faso, Malawi, Mali, Senegal: Priority must be given to raising awareness and providing information and advice before imposing penalties.

Brazil: Penalties must be applied gradually and proportionately. They must also be applied strictly and transparently enough to encourage formalization.

Denmark: In order to ensure a well-functioning labour market and a safe business environment, it is important that penalties are imposed on those who do not meet the legal requirements of the formal economy.

Egypt: Penalties (administrative, civil or penal) should be flexible. For the penalties to be implemented: (1) increase the number of inspectors; (2) impose incremental penalties according to frequency of non-compliance; and (3) increase awareness about laws and penalties implemented.

Ethiopia: But with due care and progressively, because such measures may affect workers and economic units in the informal economy.

Finland: The penal system should only be considered as a last resort.

France, India: It is important to combine information, prevention and incentives with adequate and appropriate penalties.

Jamaica: This should be a gradual process.

Latvia: Penalties shall be effective, proportionate and dissuasive.

Netherlands: It should be left to the member States to decide whether they want to apply administrative, civil or penal penalties.

South Africa: Laws need to be enforced but joint participation in their development and in the education of the parties concerned is key. Corrective measures should also be used to provide support and guidance to participants in the informal economy to assist in the transition to the formal economy.

Spain: The legal action and penalties scheme is a basic instrument to promote the transition from the informal economy to the formal economy.

United States: Where applicable, penalties should be adequate and strictly enforced in both the formal and informal economies.

Employers

Number of replies: 20

Yes: 8

No: 11

Other: 1

Comments

DA: The laws must be sound, practical and understandable and it is more effective to provide more education and guidance instead of penalties.

MEDEF: It is important to combine a penalty-based approach with an educational approach, since non-compliance with the law may be due to a lack of knowledge of the rules or practical difficulties in applying them.

SEV, IOE, Keidanren: The laws must be sound and practical in the first place. Besides, violations can be a result of lack of knowledge or awareness and/or capacity to comply. In such cases, more education and guidance are needed. The stick approach should only be used on condition that enterprise and employment creation are not adversely impacted.

Workers

Number of replies: 67

Yes: 43

No: 1

Other: 23

Comments

Consolidated reply: As a matter of principle, penalties imposed by law should be strictly enforced. However, in some circumstances, workers in the informal economy – who are striving to earn a livelihood – are harassed and persecuted in such a way that they cannot carry out their activities. The proposed instrument should therefore make sure that penalties are commensurate to the working and living conditions of workers in the informal economy. The proposed instrument should strike the right balance between the need to enforce rules and regulations, on the one hand, and the right of poor workers to earn a living to feed their families, on the other.

CCOO: (Questions 22(c) and 23) Priority should be given not only to penalties; other dimensions that are also relevant should be included, such as prevention and inclusion, by means of active employment policies, awareness raising, and knowledge and evaluation of the phenomenon.

SAK, STTK, Akava: While it is important to reinforce adherence to laws and regulations, the conditions in which undeclared workers live must be taken into consideration in order to avoid unreasonable situations.

OFFICE COMMENTARY

Responses to this question vary. Most governments and a majority of workers' organizations agree with the statement, while the vast majority of employers disagree. Many governments prefer a combination of preventive and corrective measures to support and guide transitions to the formal economy. At the Tripartite Meeting of Experts, a Government expert stressed the need for supervisory mechanisms as well as the importance of counselling and incentives.

For some respondents, preventive and enabling strategies should precede the application of sanctions. For others, sanctions are important to provide credibility to transition schemes and the absence thereof creates a potential for abuses. Workers stress that the proposed instrument should

strike the right balance between the need to enforce rules and regulations on the one hand and the right of poor workers to earn a living in order to feed their families on the other.

Employers stress the need for sound and practical laws and the need for more education guidance. The stick approach should only be used on condition that enterprise and employment creation are not adversely impacted.

In light of the replies received, the Office proposes reflecting the need for a combination of preventive and corrective measures to facilitate transitions to the formal economy in point 25(c) of the proposed Conclusions.

X. Role of employers' and workers' organizations

Qu. 24 *Should the proposed instrument provide that workers and entrepreneurs in the informal economy should be able to join existing workers' and employers' organizations or to create their own?*

Governments

Number of replies: 97

Yes: 79

No: 12

Other: 6

Comments

Belgium, United States: National legislation should safeguard and defend the freedom of all workers and employers, regardless of their place of work and working arrangements, to establish and to join the organizations of their choice, without fear of reprisals or intimidation.

Benin, Burkina Faso, Eritrea, France, Ghana, Côte d'Ivoire, Mauritius, Sweden, Turkey, Ukraine, Viet Nam, Bolivarian Republic of Venezuela: This is consistent with the principles of freedom of association and the right to collective bargaining under 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).

Brazil: The right to associate must always be free and there must not be any government interference in trade union organizations.

Bulgaria: They should be able to join existing organizations.

Canada: The wording of the proposed instrument should mirror the wording of Convention No. 87. "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorisation."

Chile: This will create a tacit acknowledgement of informality, thereby legitimizing this form of work.

Djibouti: Absolutely; trade unions are non-existent in the informal sector and it is very important to represent workers and entrepreneurs in the informal economy.

Ethiopia: But progressively; as it requires more and more awareness-raising programmes and continuous social dialogue.

Germany: The right for workers and entrepreneurs in the informal economy to join existing workers' and employers' organizations should be granted except to those people engaging in criminal activities.

Hungary: The objective is to promote transitions to the formal economy, rather than to recognize informal operations and employment behaviours.

Mali: The instrument should also encourage workers' and employers' organizations to accept workers from the informal economy.

Montenegro: The existence of separate organizations for the informal economy could result in the creation of a dual system, which could be complicated to manage and could reverse transitions from the informal to the formal economy.

Nepal: This could help workers to assert their rights and empower them. Legislation could provide appropriate and simple conditions for creating and registering their organizations, with provision being made for certain exceptions to the requirements imposed on workers in the formal sector.

Netherlands, Norway, South Africa: It is better to encourage the participation of workers and entrepreneurs in existing organizations by stressing the common interests of people in the formal economy.

Panama: Given that economic units consisting of the self-employed or entrepreneurs are looking out for their own interests and intentions, the prudent approach is to encourage their own organizations which allow them to harmonize their initiatives and proposals.

Portugal: Recognizing a specific status for these workers will be contradicting the fight against informality, which should not exist.

Switzerland: They should be able to create their own organizations first and foremost.

Employers

Number of replies: 21

Yes: 7

No: 12

Other: 2

Comments

CACIF, CEC, IOE, OEB: Freedom of association is one of the fundamental principles and rights at work that employers are committed to. Employers' organizations can accept informal enterprises as members on the grounds that a level playing field is ensured by subjecting informal competitors to the same requirements as their members, and by spreading the tax and social protection burden more evenly and equitably. As for the provision for informal entrepreneurs to create their own organizations, more discussions are needed to determine the form such organizations/networks/associations should take and their purpose. It should be recalled that sound governance and enterprise- and employment-friendly business environments are fundamental to promoting informal to formal transitions. Having separate organizations for the informal economy could risk creating a dual system, which can be more complicated for governments to manage and might even reverse transitions from the informal to the formal economy.

CNI: Allowing this possibility means acknowledging that informality is a valid, socially accepted form of work.

MEDEF: There is a risk that this possibility would not encourage informal enterprises to become formal.

SEV: To have within an instrument a provision for entrepreneurs in the informal economy to be able to join employers' organizations in the formal economy will oblige employers' organizations to include them without having the opportunity to assess their capacities and will disregard the fact that people enter the informal economy with various motivations.

Workers

Number of replies: 69

Yes: 66

No: 3

Other: 0

Comments

Consolidated reply: As stated many times by the ILO and other human rights bodies, freedom of association and the right to bargain collectively are inalienable rights.

CITUB, CSA-Bénin: Workers and employers in the informal economy should be encouraged to join existing organizations as this could support formalization.

LBAS: Not only should the right to join organizations be guaranteed, but also the practical possibility to do so.

NSZZ: Extending the rights of informal workers to the level of those of formal workers will help to strengthen the informal economy. In this case there will be no incentive for informal workers to make the transition to formal employment. Consequently, while we see the need to grant the right of association, it should be used primarily to encourage the transition to formality.

OFFICE COMMENTARY

Most governments and workers' organizations agree with this provision. A number of respondents underline the link with question 15(a), which concerns fundamental principles and rights at work. One government suggests that the proposed instrument should mirror the wording of Article 2 of Convention No. 87: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation."

Most employers' organizations – as well as a few governments – are not in favour of the inclusion of such a provision as, in their view, this would risk reducing incentives to formalization.

In light of the replies received, as well as the summary of the Chairperson of the Tripartite Meeting of Experts (point 11), the Office proposes no change in point 26(b) of the proposed Conclusions.

Qu. 25 *Should the proposed instrument provide that the employers' and workers' organizations, including organizations of workers and entrepreneurs in the informal economy, should be consulted while developing, implementing and evaluating policies and programmes of relevance to the informal economy, including its formalization?*

Governments

Number of replies: 97

Yes: 87

No: 7

Other: 3

Comments

Brazil: Although always recommended, tripartite consultations cannot always be considered a prerequisite for the implementation of policies which may lead to formalization.

Benin, Denmark, Eritrea, Ethiopia: Consultation with the social partners and other stakeholders in the formal and informal economies who deal with this issue on a daily basis should be supported.

Egypt: In accordance with tripartism.

France, Islamic Republic of Iran, Montenegro, Turkey: The social partners should participate actively in the development, implementation and evaluation of policies and programmes of relevance to the informal economy and its formalization.

Islamic Republic of Iran: It should provide for consultation with the most representative workers' and employers' organizations.

Panama: The design, creation and evaluation phases in the development of a policy should involve the parties which may benefit from or be disadvantaged by them. Organizations of members of the informal economy should have representation in order to veto parts of a policy and the corresponding legal frameworks.

Switzerland: It is very difficult to consult organizations of workers and entrepreneurs in the informal economy, given its specific nature.

Tunisia: Consultation of organizations of workers and entrepreneurs in the informal economy is necessary in order to improve and evaluate the policies and programmes concerning the informal economy.

Uganda: Entrepreneurs should be consulted in order to promote transparency and accountability and to develop policies and programmes that address their real needs.

Ukraine: Workers' organizations can play an important role in mobilizing action by all tripartite partners with the aim of addressing the causes of informality.

United Kingdom: The proposed text is too prescriptive and does not consider countries that do not have a tradition of social partnership that contributes to government policies.

United States: Many of the most relevant organizations in the informal economy are not specifically workers' or employers' groups; therefore, insert after "workers and entrepreneurs in the informal economy" the words "and other relevant civil society organizations".

Uruguay: Social dialogue is important, but it cannot be used to consolidate situations of informality by making them official.

Bolivarian Republic of Venezuela: The considerations made by these organizations should be strictly consultative, not binding.

Employers

Number of replies: 19

Yes: 7

No: 10

Other: 2

Comments

CACIF: Procedures should be put into place to ensure effective consultations between the representatives of the employer and worker sectors, in particular in labour matters. The most representative

organizations should be consulted in order to ensure effective consultations, and they should present their opinions or observations on any matter pertaining to labour relations, social security and labour administration.

CEC, DA, IOE, OEB, SEV: Including the provision in the proposed instrument to consult “organizations of ... entrepreneurs in the informal economy” raises the same points as for question 24. Organized, formal businesses of all sizes are at the forefront of operations in the economy and business environment of all countries and no other actors are better placed to know many of the real world challenges holding individuals and enterprises back from formality. The consultation of employers’ organizations will already be useful in developing, implementing and evaluating policies and programmes of relevance to the informal economy, including its formalization. Indeed, given that the members represented by these employers’ organizations are formal enterprises in the formal economy, which implies that they have been able to successfully overcome the potential obstacles to the transition to formality, it is even more worthwhile to consult them to understand the key drivers motivating and facilitating formalization.

Workers

Number of replies: 65

Yes: 60

No: 3

Other: 2

Comments

Consolidated reply: The social partners should actively participate in the development, implementation and evaluation of a national plan of this kind through appropriate and nationally agreed mechanisms. The social partners are understood as being the most representative workers’ and employers’ organizations, which should include in their ranks membership-based and representative organizations of workers and economic units in the informal economy.

OFFICE COMMENTARY

Most governments and workers’ organizations and a number of employers’ organizations agree with this statement. They comment that the consultation of employers’ and workers’ organizations, including organizations of workers and entrepreneurs in the informal economy, is essential to ensuring ownership and commitment to transitions to formality. Most workers’ organizations add that the social partners are understood as being the most representative workers’ and employers’ organizations, which should include in their ranks membership-based and representative organizations of workers and economic units in the informal economy. A few governments stress that the consultation is to be done in the framework of national mechanisms and in conformity with the principle of representation.

Employers are not in favour of the inclusion of such a provision, in so far as it includes the consultation of organizations of workers and entrepreneurs in the informal economy.

In light of the replies received, the Office proposes a slight change in the wording and to include “and where they exist, representative organizations of those in the informal economy” in point 28 of the proposed Conclusions. A similar formulation was retained in the Domestic Workers Recommendation, 2011 (No. 201).

Qu. 26 *Should the proposed instrument provide that employers' and workers' organizations should play a key role in facilitating transitions from the informal to the formal economy by extending membership and services to economic units and workers in the informal economy, and encouraging and supporting the creation and development of representative organizations?*

Governments

Number of replies: 97

Yes: 81

No: 10

Other: 6

Comments

Austria: The focus should be on the containment of the informal economy, not on its institutionalization. Employers' and workers' organizations should also attempt to represent the informal sector.

Benin: Formalization cannot succeed without their active involvement in the creation of development strategies.

Chile: This would send the wrong message with regard to acknowledging and legitimizing this form of work.

Germany: Yes, but only if the respective statutes and regulations of the employers' and workers' organizations are respected.

India: Employers' and workers' organizations should extend membership and services to economic units and workers in the informal economy and encourage the creation and development of representative organizations.

Latvia: This could even expand further the scope of the informal economy.

Nepal: It should also include provisions such as the availability of appropriate resources, training, capacity building and guidance to carry out such functions.

Poland: But this should be crafted in such terms that governments also have a key role to play and that the social partners are encouraged to cooperate with governments on policies and programmes to facilitate the transition from the informal to the formal economy.

Uganda, Uruguay: The employers' and workers' organizations play a very important role in mobilizing and raising awareness among the economic units and the informal economy workers.

Ukraine: The creation of workers' organizations in the informal economy is a step towards social dialogue and tripartite solutions in this area.

United States: Although employers' and workers' organizations play a role, the meaning of a "key" role is unclear since the country environment will determine the extent to which employers' and workers' organizations should play such a role.

Employers

Number of replies: 21

Yes: 8

No: 7

Other: 6

Comments

ANDI: The responsibility for promoting the transition from the informal to the formal economy should be borne by the government.

DA: The role of employers' organizations in facilitating transition from the informal to the formal economy is important and should be emphasized.

SEV, IOE: This is a loaded question, where several points are included in one question. Responses should be carefully considered to make sure agreement with one of the points does not give the impression that there is agreement with the other points. This question is also almost identical to question 24. The role of employers' organizations in facilitating the transition from the informal to the formal economy is important and should be emphasized. Reference should be made to the points raised in response to question 24. Employers' organizations may encourage and support the creation and development of representative organizations where capacity is available and where the informal economy operators are genuinely keen to formalize. Including in the proposed instrument a provision in this respect might exert undue pressure on employers' organizations.

Workers

Number of replies: 67

Yes: 62

No: 2

Other: 3

Comments

Consolidated reply: In addition, the proposed instrument should underline the importance for member States of creating an enabling environment for workers and employers to organize and of guaranteeing that these organizations can effectively bargain.

BAK, ÖGB, Nezavisnost: There is no need for additional organizations; existing organizations should take up their new tasks with regard to the informal economy.

CCOO: The unregistered economy is not within the "normal" sphere of activity of trade union organizations, but due to the loss of rights resulting from "undeclared" work, we pay special attention to it.

UHFTAWU: It is appropriate for workers' and employers' organizations to extend membership to or directly represent workers and employers in the informal economy.

OFFICE COMMENTARY

A vast majority of governments and almost all workers' organizations agree with this statement. A few governments stress that the primary role rests with governments and that the term "key" is not clear. Most employers' organizations and a few governments indicate that such a provision might exert undue pressure on workers' and employers' organizations, especially as it calls on them to extend membership to economic units and workers in the informal economy. Most workers' organizations suggest that the proposed instrument should also underline the importance for member States to create the enabling environment for workers and employers to organize and to guarantee that these organizations can effectively bargain.

Employers stress that this is a loaded question where several points are included in one question. They agree that the role of employers' organizations in facilitating transitions to formality is important and should be emphasized. They indicate that employers' organizations may encourage and support the creation and development of representative organizations where capacities are available and where informal economy operators are genuinely keen to formalize.

In light of the replies received, the Office concludes that there is a need to separate the various elements of this question in two points of the proposed Conclusions (points 26(a) and 27). The Office proposes to address the issue of the role of employers' and workers' organizations in point 27(a) of the proposed Conclusions. The issue of the extension of membership and services is addressed in point 26(a) of the proposed Conclusions. In light of replies received, the Office proposes to add a point 27(b) in the proposed Conclusions stressing "the importance for Members to create an enabling environment for employers and workers to exercise their right to organise and to collective bargaining".

Qu. 27 *Should the proposed instrument provide for the need to strengthen the capacity of employers' and workers' organizations and representative organizations of the informal economy to organize and assist workers and economic units in the informal economy with a view to facilitating the transition to formality?*

Governments

Number of replies: 97

Yes: 79

No: 8

Other: 10

Comments

Brazil: The weakness of the representation of these workers is frequently due to their state of vulnerability, and specific policies are often necessary to allow them to have their say.

Canada: It is unclear to whom this clause is directed.

Chile: Only if the capacity building is essentially temporary and mainly focused on putting an end to informality.

Denmark: It is necessary to clarify the meaning of "representative organizations of the informal economy" and who they are.

Ghana: The proposed instrument should make provisions in relation to strengthening the capacity of the parties concerned.

Guatemala: It is necessary to implement policies to raise awareness of the relevant regulations in order to ensure their effective application; this should be done in capacity-building workshops on topics concerning workers' rights and promoting the exercise of freedom of association.

Mali: Organizations of employers and workers in the informal economy play a very important role in raising awareness.

Nepal: It would be more effective and useful for the transition if these organizations provide workers in the informal economy with assistance and support to organize.

South Africa: Capacity development for representative bodies should be central.

Tunisia: Awareness-raising seminars should be organized for workers in the informal economy.

United Kingdom: This statement is too prescriptive but it could under certain conditions be considered as one avenue for achieving the transition.

United States: Governments should not be taking the lead in organizing groups and should also not interfere in their organization, in compliance with ILO policies. The ILO could provide information to organizations and groups seeking to organize.

Employers

Number of replies: 20

Yes: 13

No: 5

Other: 2

Comments

ANDI, CEC, IOE, OEB: Yes, more valid than questions 24–26 as it is with a view to facilitating the transition to formality. There is a need for clarification of what is meant by “representative organizations of the informal economy”. It may reduce incentives for formalization and create a dual system such that transitioning from the informal to the formal economy loses its relevance.

Workers

Number of replies: 65

Yes: 59

No: 2

Other: 4

Comments

AFL–CIO: Governments should have no role in managing free trade unions, but should instead encourage the development of robust social dialogue and tripartism.

Nezavisnost: There are no representative organizations in the informal sector.

OFFICE COMMENTARY

A vast majority of governments and employers’ organizations and almost all workers’ organizations agree with this provision. Employers stress the need to clarify what is meant by “representative organizations of the informal economy”. A number of respondents indicate in this regard that governments and workers’ and employers’ organizations have a role to play in capacity building.

In line with the Office commentary under question 25, and for consistency in the wording of the proposed Conclusions, the Office proposes reformulating the question in point 29 of the proposed Conclusions.

XI. Data collection and monitoring

- Qu. 28** *Should the proposed instrument provide that Members should:*
 (a) *collect, analyse and disseminate consistent, sex-disaggregated statistics on the size and composition of the informal economy and measure its contribution to the national economy?*

Governments

Number of replies: 97

Yes: 82

No: 7

Other: 8

Comments

Austria: Not sex-disaggregated statistics as this would further complicate the already difficult task of estimating the size of the informal economy.

Chile, Netherlands: It is very difficult to collect consistent statistics on the size and composition of the informal economy and to measure its contribution to the national economy. Moreover, it would be quite costly and burdensome.

China: Member States should be encouraged to, not obliged to.

Egypt: This should be done by operationalizing labour market information systems and periodic field surveying.

Ethiopia: But progressively and depending on the capacity of the actors in the member States.

Finland: Information should also be gathered by using qualitative studies.

Germany: More knowledge about the usage of the concepts of the informal economy must first be gathered. Without further amendments and specifications (especially regarding illicit and criminal activities) the ILO's current statistical definition of informal employment is not applicable to highly industrialized countries.

Hungary: The collection of overly detailed statistical information on the informal economy is not a realistic expectation.

Iceland: The definition in the 2002 resolution is very broad and it could be difficult to collect and monitor all the statistics mentioned.

Japan: The phrase "in accordance with national circumstances" should be inserted. Also, the text should acknowledge that statistics on the informal economy are difficult to collect due to its very nature.

Mexico: Other types of important disaggregation could be included, such as by industry, sector, geographical location and age group.

Portugal: It should be noted that, owing to its very hidden nature, the informal economy is difficult to quantify.

United Kingdom: It should not be the primary focus of attention given that the objective is to minimize informality.

United States: It should be acknowledged that many countries do not have the capacity to collect, analyse and disseminate these statistics. These statistics should also be age-disaggregated. The role of the ILO in providing technical assistance is important for these countries.

Employers

Number of replies: 19

Yes: 16

No: 1

Other: 2

Comments

CNES: Also add data concerning the negative impacts on tax collection, and the wearing down of the industrial fabric as a result of the unfair competition coming from operators in the informal economy that formal enterprises must face.

Keidanren: It is necessary to insert the phrase “in accordance with national circumstances”.

Workers

Number of replies: 67

Yes: 67

No: 0

Other: 0

Comments

Consolidated reply: Data collection is crucial in order to formulate appropriate policy and programmes on the basis of facts and to monitor progress. The public communication of data also helps build support for public policies related to the transition from the informal to the formal economy.

CATUS: When data are collected and processed, a clear distinction should be made between the formal and the informal economy.

HFTAWU: Data collected should also be disaggregated by age to address child labour and youth and elderly employment, and to carry out proper planning, implementation, monitoring and evaluation.

OFFICE COMMENTARY

There is a broad agreement on the need to collect, analyse and disseminate consistent statistics regarding the informal economy as this would help inform policy-makers and enable evidence-based policy-making.

Disaggregated statistics would allow a better understanding of the most vulnerable groups in the informal economy and the diversity of activities in the informal economy

Some governments are concerned about the methodology and capacity to collect statistics on the informal economy. They call on the ILO to provide technical assistance to member States.

The Office notes that there is a 2013 ILO manual¹⁰ available on measuring informality which can provide guidance on this issue. In light of the replies received, the Office proposes to include the aspects of age and other specific socio-economic characteristics for statistical disaggregation and delete the part “measure its contribution to the national economy” in point 30(a) of the proposed Conclusions.

¹⁰ ILO, 2013, op. cit.

Qu. 28 (b) *regularly monitor progress towards formalization?***Governments**

Number of replies: 97

Yes: 86

No: 5

Other: 6

Comments

Chile: With the safeguard that the said request should consider the difficulties in compiling information.

Egypt: Through an annual nationwide informal economy survey to be conducted by the Ministry of Labour.

France: It would be useful for the monitoring to be conducted on a tripartite basis, involving those working in the informal economy.

Germany: Regular monitoring is reasonable, but requires that indicators be better specified, in particular in highly advanced industrial countries.

Greece: It should be within the framework of national capabilities.

India: Each member State should be allowed to decide the timeline and frequency of the monitoring.

Islamic Republic of Iran: Sharing successful experiences in collecting and analysing statistics among Members is advisable.

Mali: Use indicators that are applicable to a wide range of countries.

Morocco: Make provision both for regular monitoring of the evolution of informal employment and for in-depth study of the formalization of informal units.

Romania: The analysis of the informal economy should rely on coherent, viable and trustworthy indicators.

Sri Lanka: Depending on the resources available to the State.

Employers

Number of replies: 18

Yes: 12

No: 2

Other: 4

Comments

CEC: Governments should be encouraged to do so where it will be valuable. There may be little or no value in some contexts.

Keidanren: It is necessary to insert the phrase “in accordance with national circumstances”.

CCP: Disaggregation of statistical data by sector is also very important.

KEF: Cannot be generalized and may vary by country.

Workers

Number of replies: 64

Yes: 64

No: 0

Other: 0

Comments

Consolidated reply: Monitoring should be tripartite and involve the actors from the informal economy. There should also be adequate communication on the progress made and monitoring should be based on facts.

SEWA: Given the lack of specific methodologies, tools and techniques to quantify such interventions, there is a need to develop measures to capture these contributions in a quantitative as well as a qualitative way.

OFFICE COMMENTARY

A huge majority of governments and employers' organizations and all workers' organizations reply affirmatively. Workers note that the monitoring process must be tripartite and include informal economy workers.

In light of the replies received, the Office proposes no change in point 30(b) of the proposed Conclusions.

XII. Implementation and follow-up

Qu. 29

Should the proposed instrument provide that each Member should implement the provisions of this instrument, in consultation with the most representative employers' and workers' organizations, through laws and regulations, collective agreements or other measures consistent with national practice?

Governments

Number of replies: 97

Yes: 86

No: 6

Other: 5

Comments

Belgium: The principles will be defined with governments in close consultation with the social partners.

Benin, Uganda: Organizations from the informal sector must be involved, since they may not rank among the most representative organizations.

Brazil: Ways must be found of extending consultations to include organizations from the informal economy.

Canada: Member States should take guidance from this instrument, not implement its provisions.

Denmark, Japan, Latvia: According to national circumstances.

Egypt: Through tripartite cooperation and civil society organizations.

Eritrea: Through laws and regulations, collective agreements and other measures consistent with national practice.

Ethiopia: Progressively and depending on the capacity of member States to implement the provisions of this instrument.

Germany: If it refers to collective agreements and if the country-specific framework is taken into account.

Hungary, Lebanon, Malawi: Consultations with the most representative employers' and workers' organizations may facilitate the efficient implementation of measures.

United States: The identification of models or proven successful practices used by countries would be useful to enable the transition to the formal economy.

Employers

Number of replies: 17

Yes: 14

No: 0

Other: 3

Comments

CACIF: Each State should determine the application and use of the information it incorporates to formulate measures that are consistent with the national circumstances of each country.

Keidanren: It is necessary to insert the phrase "in accordance with national circumstances".

Workers

Number of replies: 63

Yes: 59

No: 1

Other: 3

Comments

Consolidated reply: The most representative workers' and employers' organizations should include in their ranks representatives of membership-based and representative organizations of workers and economic units in the informal economy.

CSN: A national tripartite body on this matter should be set up. It is unlikely that one approach alone will be appropriate for all sectors, since circumstances may differ widely, but the right to collective bargaining must be acknowledged and negotiation prioritized for all.

MTCB: Taking account of the circumstances in each country.

SEWA: Collective bargaining in the informal economy is very different to collective agreements in the formal economy.

OFFICE COMMENTARY

The vast majority of governments and almost all employers' and workers' organizations agree with this statement. A few governments consider that consultation should include

representative organizations of the informal economy. A large majority of workers' organizations stresses that the most representative organizations should include in their ranks membership-based and representative organizations of workers and economic units in the informal economy. A very limited number of responses refer to the means of implementation of the provisions of the proposed instrument (laws and regulations, collective agreements or other measures).

In light of the replies received and for consistency with the wording of the proposed Conclusions related to questions 25 and 27, the Office proposes adding "and where they exist, representative organizations of those in the informal economy," after "the most representative employers' and workers' organizations" in point 31 of the proposed Conclusions.

Qu. 30 *Should the proposed instrument provide for regular follow-up and review, at the national level, of policies for gradual transitions to formality?*

Governments

Number of replies: 97

Yes: 88

No: 3

Other: 6

Comments

Benin: It is necessary to evaluate formalization by stage and by sector.

Canada: The need for regular follow-up and review should reflect national circumstances.

Chile: It should be with a view to ensuring continuity in the measures implemented and a periodic review of their effectiveness.

Côte d'Ivoire, Eritrea, Mauritius, Morocco: Regular follow-up and review of policies for gradual transitions to the formal economy will enable those policies to be adapted in line with socio-economic changes.

Denmark: Where appropriate and according to national circumstances.

Ethiopia: But progressively and depending on the capacity of member States to implement the provisions of this instrument.

India, Mali: The frequency and nature of regular follow-up and review at the national level is best left to the member States.

Nepal: Legislation should provide for the setting up of a national tripartite body that is responsible for the formulation of policy recommendations, their follow-up and review and also for amending the existing legislation.

Norway, Sweden: It depends on how large the informal sector is. If a country already has a Decent Work Country Programme it is obvious that transitions to formality ought to be part of that programme, including follow-up and review policies for the transition.

Philippines: Also include regular review at the local level.

South Africa: This relates to the monitoring and evaluation systems.

Employers*Number of replies: 17**Yes: 12**No: 2**Other: 3***Comments**

KEF: Cannot be generalized and may vary by country

Workers*Number of replies: 64**Yes: 64**No: 0**Other: 0***Comments**

Consolidated reply: The proposed instrument should provide that national plans on the transition should be regularly monitored and that there is regular national consultation to discuss policy and progress. The international exchange of information between states on policy and programmes facilitating the transition from the informal to the formal economy is helpful.

CNS “Cartel Alfa”: An international exchange of information on policies and programmes to facilitate the transition from the informal to the formal economy should be set up.

CITUB: It should provide for permanent monitoring, and regular reviews should give ex-post evaluations of the social impact and the suitability of the implemented measures and policies.

CONATO, CS, UGT (Portugal): But on a tripartite basis.

OFFICE COMMENTARY

There is wide agreement among the respondents about this statement.

In light of the replies received, the Office proposes to insert a specific reference to consultation in point 32 of the proposed Conclusions.

XIII. Other questions

Qu. 31 *Should the proposed instrument contain a list of international labour standards relevant to the informal economy as an annex?*

Governments*Number of replies: 97**Yes: 89**No: 6**Other: 2*

Comments

Canada: Including a lengthy list of instruments in the proposed Recommendation should be avoided.

Chile: Only those standards that directly target the elimination of the informal economy as a form of work.

Denmark: This should be discussed in tripartite consultations.

France: An annex containing a reference to the relevant international labour standards would facilitate a better understanding of the various aspects of the matter; the content of the list could be discussed on a tripartite basis.

India: Only the most relevant labour standards related to the informal economy should be appended to the proposed instrument in the form of a list. However, their ratification should not be made binding for member States.

Lebanon: Not necessarily, because the international treaties will be mentioned in the Preamble.

Nepal: It depends on its purpose and will only be a catalogue of the instruments relating to the informal economy.

Switzerland: The Government wonders whether such an annex would be useful if the standards are already mentioned in the Preamble.

United States: ILO standards are relevant to the informal economy and including such a list would suggest otherwise.

Employers

Number of replies: 18

Yes: 11

No: 3

Other: 4

Comments

ANDI: It is not necessary to refer to other standards. The instrument should summarize the guidelines that are sufficient for the achievement of the objectives.

CNI: Listing those instruments could create resistance, in particular among the member States that have not ratified some of them.

OEB, Keidanren, IOE: While this could be useful by giving more clarity to what is relevant and making it easy for referencing, the international labour standards to be placed on the list should first be discussed in a tripartite consultation with the constituents.

Workers

Number of replies: 63

Yes: 61

No: 2

Other: 0

Comments

Consolidated reply: As a non-exhaustive list.

CUT (Colombia): Mentioning them in the Preamble is sufficient; there is a tendency for lists to appear to be exhaustive.

GEFONT: The standards can be recalled but not necessarily listed in the instrument itself.

SEWA: International labour standards relevant to the informal economy need to be appended for easier reference.

OFFICE COMMENTARY

The overwhelming majority of governments and workers' organizations and a large number of employers' organizations agree that an annex with a list of relevant international labour standards should be included. Some governments indicate that this list would constitute a reference and guide Members in the elaboration of policies on the transition from the informal economy to the formal economy. Workers stress that the list should not be exhaustive. Employers' organizations propose drawing up this list during the tripartite discussions at the International Labour Conference. At the Tripartite Meeting of Experts, employers indicated that reference should also be made to the 2007 ILC resolution concerning the promotion of sustainable enterprises.

In light of the replies received and of the Office's comments under question 3, the Office proposes including points 33 and 34 of the proposed Conclusions and a list of relevant international labour standards and United Nations instruments in an annex to the instrument, as a basis for discussion during the International Labour Conference.

PROPOSED CONCLUSIONS

The following are the proposed Conclusions which have been prepared on the basis of the replies received which are summarized and commented on in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference of the fifth item on the agenda of its 103rd Session (2014).

A. FORM OF THE INSTRUMENT

1. The International Labour Conference should adopt an instrument establishing the framework for action on facilitating transitions from the informal economy to the formal economy.
2. The instrument should take the form of a Recommendation.

B. CONTENT OF THE INSTRUMENT

Preamble

3. The Preamble of the proposed instrument should note:
 - (a) the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, and the ILO Declaration on Social Justice for a Fair Globalization, 2008;
 - (b) the relevant international labour standards, in particular the fundamental Conventions, namely, the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), as well as relevant United Nations instruments;
 - (c) that the high incidence of the informal economy is a major challenge for inclusive development and the rule of law, and has a negative impact on the development and sustainability of enterprises, the social protection of workers and their working conditions, government revenues, the soundness of institutions, and fair competition in national and international markets;
 - (d) that while some workers and economic units operate in the informal economy to evade laws and regulations, most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy and in the absence of other means of livelihood;
 - (e) that informality has multiple causes, but, in many contexts, it is principally a governance issue;
 - (f) that decent work deficits are most pronounced in the informal economy;

- (g) that women, young persons, migrants, older workers, indigenous and tribal peoples, persons affected by HIV or AIDS and persons with disabilities are especially vulnerable to the most serious decent work deficits in the informal economy;
- (h) that workers and economic units in the informal economy can have a large entrepreneurial potential and their creativity, dynamism, skills and innovation could fully develop if transition to the formal economy is facilitated.

4. The Preamble of the proposed instrument should recognize the need to take urgent measures to enable gradual transitions of workers and economic units from the informal economy to the formal economy.

I. Scope

5. The proposed instrument should provide that it applies to all workers and economic units in the informal economy.

6. The proposed instrument should provide that:

- (a) the term “informal economy” refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements;
- (b) work in the informal economy can be carried out in formal sector enterprises, informal sector enterprises or households.

7. The proposed instrument should provide that the term “informal economy” does not cover illicit activities, as defined in relevant international treaties.

8. The proposed instrument should cover economic units in the informal economy, including:

- (a) production units that employ hired labour; and
- (b) production units that are owned and operated by individuals working on own account either alone or with the help of unpaid family members.

9. The proposed instrument should cover:

- (a) own-account workers employed in their own informal sector enterprises;
- (b) employers employed in their own informal sector enterprises;
- (c) contributing family workers, irrespective of the type of enterprise;
- (d) members of informal producers’ cooperatives;
- (e) employees holding informal jobs in formal sector enterprises, informal sector enterprises, or as paid domestic workers employed by households;
- (f) own-account workers engaged in the production of goods exclusively for own final use by their household.

10. The proposed instrument should provide that, in giving effect to the provisions in *points 5 to 9* above, and given the diversity of the informal economy in member States, the competent authority should identify the nature and extent of the informal economy, in consultation with the representative employers’ and workers’ organizations and, where they exist, representative organizations of those in the informal economy.

II. Objectives and general principles

11. The proposed instrument should provide guidance to Members to:

- (a) facilitate gradual transitions of workers and economic units from the informal economy to the formal economy while ensuring that opportunities for livelihood and entrepreneurship are not destroyed; and
- (b) promote the creation of decent jobs in the formal economy and the coherence of macroeconomic, employment, social protection and other social policies.

12. The proposed instrument should provide that Members, in designing strategies to facilitate transitions from the informal to the formal economy, should take into account the following principles:

- (a) the diversity of circumstances of workers and economic units in the informal economy and the need to address such diversity by tailored approaches;
- (b) the fact that there are multiple paths to transition from the informal to the formal economy according to specific country context and preference; and
- (c) the need for a balanced approach combining incentives with compliance measures.

III. Legal and policy frameworks

13. The proposed instrument should provide that Members should adopt or review national laws and regulations or other measures to ensure appropriate coverage of all categories of workers and economic units.

14. The proposed instrument should provide that Members should ensure that national development strategies or national plans include, where appropriate, an integrated policy framework to facilitate transitions from the informal to the formal economy.

15. The proposed instrument should provide that Members, in formulating and implementing an integrated policy framework, should take into account the following:

- (a) growth strategies and quality employment generation;
- (b) the regulatory environment;
- (c) the promotion of rights;
- (d) organization and representation of employers and workers, and social dialogue;
- (e) the promotion of equality and the elimination of discrimination;
- (f) entrepreneurship;
- (g) skills development;
- (h) finance;
- (i) business services;
- (j) access to markets;
- (k) extension of social protection;
- (l) local development strategies both rural and urban.

16. The proposed instrument should provide that the national policies and programmes should seek to:

- (a) reduce, where appropriate, the cost of transition to formality, including that relating to registration, taxation, and compliance with laws and regulations;
- (b) increase the benefits of transition to formality, including with regard to access to business services, finance, infrastructure, markets, technology, skills programmes, and to property rights;
- (c) give special attention to gender equality, in order to promote equal opportunities for women and men; and
- (d) give special attention to women, young persons, migrants, older workers, indigenous and tribal peoples, persons affected by HIV or AIDS and persons with disabilities, as they are especially vulnerable to the most serious decent work deficits in the informal economy.

IV. Employment policies

17. The proposed instrument should provide that Members should formulate and implement a national employment policy in line with the Employment Policy Convention, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), in order to increase productive employment creation in the formal economy through pro-employment macroeconomic and sectoral policies, sustainable enterprises, development of cooperatives, employability and skills development in both rural and urban areas.

V. Rights at work

18. The proposed instrument should provide that Members should take measures, in relation to the informal economy, to respect, promote and realize the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

19. The proposed instrument should provide that Members should take measures to ensure the effective promotion and protection of the human rights of all operating in the informal economy.

20. The proposed instrument should provide that Members should adopt preventive measures to address the unsafe and unhealthy working conditions that often characterize work in the informal economy.

21. The proposed instrument should provide that Members should progressively extend to all workers in the informal economy protection in respect of social security, decent hours of work and minimum wage, where such protection exists, in a way that facilitates transitions to formality.

22. The proposed instrument should provide that Members should encourage the provision of affordable quality childcare and other care services in order to promote women's employment opportunities and enable them to transition from the informal to the formal economy.

23. The proposed instrument should provide that Members, in building and maintaining national social protection floors within their social security system, should pay particular attention to the needs and circumstances of those in the informal economy and their families with a view to ensuring adequate social security coverage and facilitating transitions to formality.

24. The proposed instrument should provide that Members should, with a view to facilitating transitions to formality, progressively extend the coverage of social insurance to those in the informal economy and, if necessary, adapt administrative procedures, benefits and contributions taking into account their contributory capacity.

VI. Incentives, compliance and enforcement

25. The proposed instrument should provide that Members should:

- (a) put in place appropriate mechanisms, or review existing mechanisms with a view to ensuring compliance with national laws and regulations so as to facilitate transitions from the informal economy to the formal economy;
- (b) take measures which include an adequate and appropriate system of inspection, provision of information, guidance, capacity-building for relevant actors, provision of incentives and assistance to comply with the relevant laws and regulations; and
- (c) provide for preventive and appropriate corrective measures to facilitate transitions to the formal economy, and ensure that administrative, civil or penal sanctions provided for by the law are adequate and strictly enforced.

VII. Role of employers' and workers' organizations

26. The proposed instrument should provide that:

- (a) employers' and workers' organizations should consider, where appropriate, the extension of membership and services to workers and economic units in the informal economy; and
- (b) those in the informal economy enjoy freedom of association and the right to collective bargaining, including the right to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

27. The proposed instrument should:

- (a) provide that employers' and workers' organizations play an important role in facilitating transitions from the informal to the formal economy; and
- (b) stress the importance for Members to create the enabling environment for employers and workers to exercise their right to organize and to collective bargaining.

28. The proposed instrument should provide that Members, in designing, implementing and evaluating policies and programmes of relevance to the informal economy, including its formalization, should consult with the representative employers' and workers' organizations and, where they exist, the representative organizations of those in the informal economy.

29. The proposed instrument should provide that Members should take measures to strengthen the capacity of the representative employers' and workers' organizations and, where they exist, representative organizations of those in the informal economy, to assist workers and economic units in the informal economy with a view to facilitating transitions to formality.

VIII. Data collection and monitoring

30. The proposed instrument should provide that Members should on a regular basis:

- (a) collect, analyse and disseminate statistics disaggregated by sex, age and other specific socio-economic characteristics on the size and composition of the informal economy, taking into consideration, as appropriate, the guidance of the International Labour Organization; and

- (b) monitor progress towards formalization.

IX. Implementation and follow-up

31. The proposed instrument should provide that Members should give effect to the provisions of this instrument, in consultation with the most representative employers' and workers' organizations and, where they exist, representative organizations of those in the informal economy, by one or a combination of the following means:

- (a) national laws and regulations;
- (b) collective agreements;
- (c) policies and programmes;
- (d) other measures consistent with national law and practice.

32. The proposed instrument should provide that Members should undertake on a regular basis a review of the effectiveness of policies and measures to facilitate transitions to formality, in consultation with the most representative employers' and workers' organizations and, where they exist, representative organizations of those in the informal economy.

33. The proposed instrument should provide that Members, in establishing, developing, implementing and periodically reviewing the measures taken to facilitate transitions to formality, should take into account the instruments of the International Labour Organization and the United Nations relevant to the informal economy, listed in the annex to the proposed instrument. Nothing in the proposed instrument should be construed as reducing the protections afforded to those in the informal economy by other instruments of the International Labour Organization.

34. The proposed instrument should provide that:

- (a) the annex may be revised by the Governing Body of the International Labour Office;
- (b) any revised annex, once approved by the Governing Body, shall replace the preceding annex and shall be communicated to the Members of the International Labour Organization.

Annex to the proposed instrument

The annex referred to in *point* 33 should list the following Conventions and Recommendations of the International Labour Organization:

- Forced Labour Convention, 1930 (No. 29);
- Labour Inspection Convention, 1947 (No. 81);
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- Migration for Employment Convention (Revised), 1949 (No. 97);
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- Equal Remuneration Convention, 1951 (No. 100);
- Social Security (Minimum Standards) Convention, 1952 (No. 102);
- Abolition of Forced Labour Convention, 1957 (No. 105);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Employment Policy Convention, 1964 (No. 122);
- Labour Inspection (Agriculture) Convention, 1969 (No. 129);

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- Minimum Wage Fixing Convention, 1970 (No. 131) and Recommendation (No. 135);
 - Minimum Age Convention, 1973 (No. 138);
 - Rural Workers’ Organisations Convention, 1975 (No. 141);
 - Human Resources Development Convention, 1975 (No. 142);
 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
 - Collective Bargaining Convention, 1981 (No. 154);
 - Occupational Safety and Health Convention, 1981 (No. 155);
 - Workers with Family Responsibilities Convention, 1981 (No. 156);
 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159);
 - Indigenous and Tribal Peoples Convention, 1989 (No. 169);
 - Home Work Convention, 1996 (No. 177);
 - Job Creation in Small and Medium–Sized Enterprises Recommendation, 1998 (No. 189);
 - Worst Forms of Child Labour Convention, 1999 (No. 182);
 - Maternity Protection Convention, 2000 (No. 183);
 - Safety and Health in Agriculture Convention, 2001 (No. 184) and Recommendation, 2001 (No. 192);
 - Promotion of Cooperatives Recommendation, 2002 (No. 193);
 - Human Resources Development Recommendation, 2004 (No. 195);
 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187);
 - Employment Relationship Recommendation, 2006 (No. 198);
 - HIV and AIDS Recommendation, 2010 (No. 200);
 - Domestic Workers Convention, 2011 (No. 189) and Recommendation (No. 201);
 - Social Protection Floors Recommendation, 2012 (No. 202).

The Annex should also list the following United Nations instruments:

- Universal Declaration of Human Rights, 1948;
- International Covenant on Economic, Social and Cultural Rights, 1966;
- International Covenant on Civil and Political Rights, 1966;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

Appendix

Replies to the questionnaire

Respondent type	Country name	Acronym	Preliminary questions		Preamble					Scope	Objectives and principles				Legal and policy frameworks				Rights at work			Employment	Working conditions and social protection					Compliance and enforcement			Role of employers' and workers' organizations				Data collection and monitoring		Implementation and follow-up		Other questions				
			1	2	3	4a	4b	4c	4d	5	6	7	8	9	10	11	12	13	14a	14b	14c	15a	15b	15c	16	17	18	19	20	21	22a	22b	22c	23	24	25	26	27	28a	28b	29	30	31
Government	Argentina		O	O	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y		
Government	Armenia		O	O	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Austria		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	N	O	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	O	Y	
Government	Barbados		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Bahrain		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Bangladesh		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Belgium		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Belize		O	O	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Benin		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Brazil		O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Bulgaria		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Burkina Faso		O	O	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Cameroon		O	O	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Canada		O	O	N	Y	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	
Government	Chile		O	O	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	N	Y	
Government	China		O	O	Y	N	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	
Government	Colombia		O	O	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Congo, Democratic Republic of		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Côte d'Ivoire		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Cuba		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Cyprus		O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	Y
Government	Denmark		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Djibouti		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Egypt		O	O	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Eritrea		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Estonia		O	O	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Ethiopia		O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Finland		O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	France		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Gabon		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Georgia		O	O	O	O	O	O	O	Y	O	Y	O	O	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O
Government	Germany		O	O	Y	O	O	Y	Y	Y	N	Y	Y	O	Y	N	O	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	Y	
Government	Ghana		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Greece		O	O	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Government	Guatemala		O	O	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Respondent type	Country name	Acronym	Preliminary questions		Preamble					Scope	Objectives and principles				Legal and policy frameworks				Rights at work			Employment	Working conditions and social protection					Compliance and enforcement			Role of employers' and workers' organizations				Data collection and monitoring		Implementation and follow-up		Other questions														
			1	2	3	4a	4b	4c	4d	5	6	7	8	9	10	11	12	13	14a	14b	14c		15a	15b	15c	16	17	18	19	20	21	22a	22b	22c	23	24	25	26		27	28a	28b	29	30	31								
Government	Slovenia		O	O	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	N	N	N		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	O	O	O	O	Y	Y	Y	Y	Y	Y	Y	Y									
Government	South Africa		O	O	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y								
Government	Spain		O	O	Y	Y	O	Y	O	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	O	O	O	N	Y	N	Y	N								
Government	Sri Lanka		O	O	O	N	Y	Y	N	Y	Y	O	Y	Y	Y	N	Y	Y	Y	Y	Y	Y		Y	Y	Y	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							
Government	Saint Vincent and the Grenadines		O	O	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							
Government	Sudan		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							
Government	Sweden		O	O	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y							
Government	Switzerland		O	O	O	N	O	O	O	O	O	O	O	Y	O	O	O	O	O	O	O	O		O	O	O	O	O	Y	O	O	O	O	O	O	O	O	O	O	O	O	Y	Y	Y	Y	Y	Y	Y					
Government	Togo		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y						
Government	Trinidad and Tobago		O	O	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	O	Y	Y	O	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y						
Government	Tunisia		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Government	Turkey		O	O	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	O	O	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Government	Uganda		O	O	Y	O	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	O	Y	Y	Y	O	O	O		Y	Y	Y	O	Y	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	Y		
Government	United Arab Emirates		O	O	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	O	Y	Y	Y	Y	O	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Government	Ukraine		O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Government	United Kingdom		O	O	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	N	N	N	O	O	O		N	Y	N	N	N	Y	N	Y	O	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
Government	United States		O	O	N	Y	Y	N	O	Y	Y	O	Y	Y	O	Y	O	Y	Y	Y	O	Y	Y		N	Y	O	Y	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	O	N
Government	Uruguay		O	O	Y	Y	Y	Y	Y	Y	Y	O	Y	N	Y	Y	Y	Y	O	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Government	Uzbekistan		O	O	Y	Y	N	N	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	O	Y	Y	Y		
Government	Venezuela, Bolivarian Republic of		O	O	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Government	Viet Nam		O	O	Y	N	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y		N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Government	Zimbabwe		O	O	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

Respondent type	Country name	Acronym	Preliminary questions		Preamble					Scope	Objectives and principles				Legal and policy frameworks					Rights at work			Employment	Working conditions and social protection					Compliance and enforcement				Role of employers' and workers' organizations				Data collection and monitoring		Implementation and follow-up		Other questions	
			1	2	3	4a	4b	4c	4d	5	6	7	8	9	10	11	12	13	14a	14b	14c	15a	15b	15c	16	17	18	19	20	21	22a	22b	22c	23	24	25	26	27	28a	28b	29	30
Workers	Nepal	GEFONT	O	O	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N		
Workers	Netherlands	FNV	O	O	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Nicaragua	FNT	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Panama	CONATO	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Panama	CONUSI	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Panama	CS	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Paraguay	CNT	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Paraguay	CUT-A	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Peru	CATP	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Peru	CUT	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Peru	CSP	O	O	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Workers	Poland	NSZZ	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	O	Y	Y		
Workers	Portugal	UGT				Y					Y		Y		Y	Y				Y																			Y			
Workers	Romania	CNS "Cartel Alfa"	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Russian Federation	FNPR																																								
Workers	Rwanda	COTRAF	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Senegal	CNTS	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Senegal	UNAS	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Serbia	CATUS					Y		O						Y					O				Y		Y		Y	Y	Y	Y	Y	Y					Y	Y			
Workers	Serbia	Nezavisnost					O		Y		Y	Y																											N	N	N	N
Workers	South Africa	COSATU	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Spain	CCOO	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y		
Workers	Spain	UGT	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Sweden	SACO	O	O	Y	Y	N	Y	Y	Y	O	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Sweden	TCO	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	O	Y	Y	Y	Y	Y	
Workers	Trinidad and Tobago	NATUC	O	O	Y	Y	Y	Y	N	Y	Y	Y	Y	O	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Turkey	MEMUR-SEN	O	O	Y	N	N	N	Y	N	Y	O	Y	Y	N	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	O	Y	Y	Y	Y	
Workers	Turkey	TÜRK-İŞ	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Uganda	UHFTAWU	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	
Workers	United States	AFL-CIO	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	O	Y	Y	Y	Y	
Workers	Venezuela, Bolivarian Republic of	ASI	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	Venezuela, Bolivarian Republic of	FUTRAND	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Workers	World	ITUC	O	O	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	

Respondent type	Country name	Acronym	Preliminary questions		Preamble					Scope	Objectives and principles				Legal and policy frameworks					Rights at work			Employment	Working conditions and social protection					Compliance and enforcement				Role of employers' and workers' organizations				Data collection and monitoring		Implementation and follow-up		Other questions		
			1	2	3	4a	4b	4c	4d	5	6	7	8	9	10	11	12	13	14a	14b	14c	15a	15b	15c	16	17	18	19	20	21	22a	22b	22c	23	24	25	26	27	28a	28b	29	30	31
Employers	Brazil	CNI	O	O	N	N	Y	N	Y	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	Y	Y	Y	N	
Employers	Canada	CEC	O	O	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N	O	N	N	N	N	N	N	O	N	N	Y	Y	N	N	N	O	N	N	Y	N	O		
Employers	Colombia	ANDI	O	O	Y	N	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	Y	O	N	Y	Y	Y	Y	Y	N		
Employers	Cyprus	OEB	O	O	O	N	Y	N	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	N	Y	Y	O	N	Y	O	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N		
Employers	Denmark	DA				N	N	Y	Y	N	O	Y				N					O																						
Employers	Finland	EK						N		N	N	O			O					N																							
Employers	France	MEDEF	O	O	O	N	O	O	Y	O	O	O	Y	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	Y	
Employers	Georgia	GEA																																									
Employers	Greece	SEV	O	O	Y	N	Y	N	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	Y	Y	N	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y		
Employers	Guatemala	CACIF	O	O	Y	N	O	O	O	Y	Y	Y	N	O	Y	Y	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Employers	Japan	Keidanren	O	O	O	N	O	N	Y		N	N	Y	O	O	O	N	O	O	O	N	Y	O	O	O	O	O	O	Y	Y	Y	Y	O	N	Y	O	N	O	O	Y	O	O	O
Employers	Korea, Republic of	KEF	O	O	Y	N	N	N	N	N	N	Y	Y	N	N	Y	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N	N	Y	N	Y	N	Y		
Employers	Latvia	LDDK																			Y	Y																					
Employers	Mexico	CONCAMIN	O	O	Y	N	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Employers	Norway	NHO	O	O	O	N		N		Y	N	N	Y							Y	Y	O																					
Employers	Portugal	CCP	O	O	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Employers	Senegal	CNES	O	O	O	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Employers	Senegal	CNP	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Employers	Switzerland	UPS	O	O	O	N	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	N	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Employers	Trinidad and Tobago	ECATT	O	O	O	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Employers	Venezuela, Bolivarian Republic of	FEDECAMARAS	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Employers	World	IOE	O	O	O	N	Y	N	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	N	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

Summary of the replies (as of 18 March 2014)

Governments	Preliminary questions		Preamble								Scope	Objectives and principles					Legal and policy frameworks					Rights at work			Employment	Working conditions and social protection					Compliance and enforcement				Role of employers' and workers' organizations				Data collection and monitoring		Implementation and follow-up		Other questions
	1	2	3	4a	4b	4c	4d	5	6	7	8	9	10	11	12	13	14a	14b	14c	15a	15b	15c	16	17	18	19	20	21	22a	22b	22c	23	24	25	26	27	28a	28b	29	30	31		
Yes	0	0	86	78	82	84	64	87	83	78	92	86	91	94	82	87	85	87	89	77	82	87	86	93	88	82	83	95	87	89	92	85	79	87	81	79	82	86	86	88	89		
No	0	0	7	15	8	9	25	8	12	8	3	8	3	1	8	4	5	3	3	11	7	4	9	2	5	13	8	0	5	3	1	5	12	7	10	8	7	5	6	3	6		
Other	97	97	4	4	7	4	8	2	2	11	2	3	3	2	7	6	7	7	5	9	8	6	2	2	4	2	6	2	5	5	4	7	6	3	6	10	8	6	5	6	2		
Total	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	97	

Workers	Preliminary questions		Preamble								Scope	Objectives and principles					Legal and policy frameworks					Rights at work			Employment	Working conditions and social protection					Compliance and enforcement				Role of employers' and workers' organizations				Data collection and monitoring		Implementation and follow-up		Other questions
	1	2	3	4a	4b	4c	4d	5	6	7	8	9	10	11	12	13	14a	14b	14c	15a	15b	15c	16	17	18	19	20	21	22a	22b	22c	23	24	25	26	27	28a	28b	29	30	31		
Yes	0	0	65	61	61	61	58	61	63	38	63	62	66	63	65	63	50	59	64	62	61	61	61	67	63	65	63	63	67	64	63	43	66	60	62	59	67	64	59	64	61		
No	0	0	0	3	3	2	4	1	2	2	0	0	0	1	0	1	1	0	0	1	0	0	1	0	0	0	1	1	0	0	0	1	3	3	2	2	0	0	1	0	2		
Other	64	64	0	0	2	0	3	3	0	28	1	2	0	0	5	1	16	5	0	4	4	2	2	0	1	0	3	3	2	4	4	23	0	2	3	4	0	0	3	0	0		
Total	64	64	65	64	66	63	65	65	65	68	64	64	66	64	70	65	67	64	64	67	65	63	64	67	64	65	67	67	69	68	67	67	69	65	67	65	67	64	63	64	63		

Employers	Preliminary questions		Preamble								Scope	Objectives and principles					Legal and policy frameworks					Rights at work			Employment	Working conditions and social protection					Compliance and enforcement				Role of employers' and workers' organizations				Data collection and monitoring		Implementation and follow-up		Other questions
	1	2	3	4a	4b	4c	4d	5	6	7	8	9	10	11	12	13	14a	14b	14c	15a	15b	15c	16	17	18	19	20	21	22a	22b	22c	23	24	25	26	27	28a	28b	29	30	31		
Yes	0	0	8	5	11	6	12	13	5	9	17	13	13	15	6	13	10	12	8	11	9	7	12	11	9	12	11	9	8	13	9	8	7	7	8	13	16	12	14	12	11		
No	0	0	2	14	3	12	5	4	14	9	2	1	2	0	10	1	2	1	8	4	5	4	2	4	4	4	3	2	9	2	1	11	12	10	7	5	1	2	0	2	3		
Other	18	18	8	0	3	2	1	1	1	2	1	3	2	2	3	3	5	4	3	5	4	7	4	4	5	4	6	6	2	4	7	1	2	2	6	2	2	4	3	3	4		
Total	18	18	18	19	17	20	18	18	20	20	20	17	17	17	19	17	17	17	19	20	18	18	18	19	18	20	20	17	19	19	17	20	21	19	21	20	19	18	17	17	18		

