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SECOND ITEM ON THE AGENDA

Outcome 8: Protecting workers from unacceptable forms of work

Purpose of the document

This document provides an overview of the strategy of outcome 8 on protecting workers from unacceptable forms of work, its main areas of focus and the progress made during the biennium.

The Governing Body is invited to provide guidance on the strategy and its implementation (see draft decision in paragraph 27).

Relevant strategic objective: All.

Main relevant outcome/cross-cutting policy driver: Outcome 8: Protection of workers from unacceptable forms of work.

Policy implications: The guidance of the Governing Body will inform the implementation of the Office strategy during 2018–19.

Legal implications: None.

Financial implications: Extra-budgetary resource mobilization required for the implementation of the strategy in 2018–19.

Follow-up action required: Implementation of outcome 8 as defined in the Programme and Budget for 2018–19.

Author unit: Conditions of Work and Equality Department (WORKQUALITY).

Related documents: GB.331/POL/1; Programme and Budget for the biennium 2016–17; GB.329/PFA/1; GB.329/INS/20/6; GB.328/POL/6; GB.328/POL/7; GB.326/POL/2; GB.323/POL/1; Resolution concerning the second recurrent discussion on fundamental principles and rights at work, International Labour Conference, 106th Session, 2017.

I. Background and rationale

1. Work situations that deny fundamental principles and rights at work, or that put at risk the lives, health, freedom, human dignity or security of workers, or subject their households to conditions of poverty are unacceptable. Across all regions, some groups and categories of workers are more exposed than others to unacceptable forms of work. These occur more frequently in sectors where there is little regulatory oversight, workers are poorly organized and face the risk of discrimination based on gender, race, ethnicity, nationality, health status and other grounds, and where the availability of accurate and reliable data is problematic. Success in eliminating or reducing unacceptable forms of work is key to accelerating progress towards the realization of decent work.
2. The strategy for outcome 8 for 2016–17 builds on the work done in the context of the area of critical importance (ACI) 8 “Protecting workers from unacceptable forms of work” in 2014–15 and contributes to relevant Sustainable Development Goals (SDGs) under the 2030 Agenda for Sustainable Development (2030 Agenda), namely targets 8.5, 8.7 and 8.8; targets 5.1 and 5.2; and targets 10.2 and 10.3.

II. Objectives and strategic approach

Objectives

3. Outcome 8 seeks to improve respect of the fundamental principles and rights at work by addressing and making sustainable changes to the causes and conditions that produce and perpetuate unacceptable forms of work. Cross-cutting in nature, outcome 8 is being implemented in more than 80 countries, 53 of which are target countries, across the five regions. It focuses on:
 - enhancing the effectiveness of policies and regulations to prevent and eliminate or reduce the incidence of unacceptable forms of work in high-risk sectors, occupations and social groups;
 - strengthening the capacity of the government institutions concerned and the social partners to design, implement and monitor policies and regulations aimed at preventing and protecting workers from unacceptable forms of work;
 - accelerating progress towards the elimination of unacceptable forms of work through concerted and mutually-reinforcing action at the international, regional, national and sectoral levels with key international and national actors. This also entails monitoring and assessing what works and what works less effectively.

Strategy

4. *Pursuing an integrated strategy on fundamental principles and rights at work and beyond in high-risk sectors.* Domestic workers and other workers vulnerable to unacceptable forms of work often see their fundamental principles and rights at work denied and experience very poor, if not abusive, working conditions. For domestic workers, efforts were carried out to prohibit the employment of under-age children as domestic workers (Indonesia, Pakistan, Philippines, Sri Lanka, Swaziland, Togo), advance the rights of indigenous domestic workers, including through the promotion of ratification of the Domestic Workers Convention, 2011 (No. 189) (Guatemala), and promote the fair recruitment of migrant

domestic workers (India, Jordan, Nepal). Voice and representation through the organization of domestic workers, and skills development (Nepal) were instrumental to strengthen their capacity to negotiate better working conditions and reduce their vulnerability to exploitation, including trafficking. To pave the way for the ratification of Convention No. 189, regulatory changes have been introduced in Pakistan through the passing of the Domestic Workers (Employment Rights) Bill in March 2016, which sets the minimum age of employment for domestic workers at 14 years, mandates written employment contracts and specifies hours of work, the nature of work, wages, leave, food and accommodation.

5. *Organizing workers facing unacceptable forms of work.* Organizing is another important element of the strategy to empower workers and improve their living and working conditions, but is also challenging. Geographic remoteness or dispersion and socio-cultural barriers are obstacles to organizing, alongside legislative barriers in some countries (for example for migrant workers). To help reduce this representation gap, under outcome 8, the ILO assists established trade unions and employers' organizations to meet the needs of these workers and link with their organizations. In the Plurinational State of Bolivia, the Cámara Boliviana de la Construcción (CABOCO) set up a job matching web portal for women construction workers, which enhanced their economic opportunities. In Guatemala, the ILO's assistance to the Trade Union of Domestic Workers (SITRADOMSA) strengthened their capacity to address the specific needs of indigenous domestic workers, including through new ways of organizing them such as cooperatives. In Bangladesh, to pave the way for the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), as set in the country's Seventh Five-Year Plan (2016–20), and following the ILO's support to the tea garden workers' union, the constituents are working towards an agreement aimed at improving the working and living conditions of tea garden workers comprising indigenous and tribal workers. Special attention is paid to the specific barriers of indigenous women, who are largely confined to the lowest paying jobs such as plucking, in which they often rely on child labour to be able to reach the daily weight targets to avoid pay deductions.
6. *Promoting the ratification and effective application of relevant international labour standards.* International labour standards underpin all global and country-level interventions. In a number of countries, action is geared towards addressing issues highlighted by the ILO's supervisory bodies. In Uzbekistan, due to comments concerning the application of the Abolition of Forced Labour Convention, 1957 (No. 105), and the Worst Forms of Child Labour Convention, 1999 (No. 182), in agriculture, since 2013 the ILO has monitored the use of child labour and forced labour in the cotton harvest (September–October 2013, 2015 and 2016). In 2016, the widespread and systematic use of child labour in the cotton harvest was phased out, although ongoing vigilance is advisable, especially of 16- and 17-year-old children. At the same time, forced labour remains a challenge and the Government has introduced measures to reduce the risk of its occurrence. Uzbekistan has also ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In 2016, the first survey on recruitment practices and seasonal employment in agriculture was conducted, complemented by extensive awareness raising and capacity building targeting the ministries and members to the Coordination Council on Child and Forced Labour. In Mauritania, in response to the Committee of Experts on the Application of Conventions and Recommendations (CEACR) concerns on the application of the Protocol of 2014 to the Forced Labour Convention, 1930, the ILO, is providing technical support on access to justice, awareness of rights, and better livelihood programmes for those suffering the vestiges of slavery. In Thailand, further to the representation made in 2016 by the International Trade Union Confederation (ITUC) and the International Transport Workers' Federation on the non-observance by that country of the Forced Labour Convention, 1930 (No. 29), the ILO is assisting the Government in the effective protection of national and migrant workers in the fishing sector (see paragraph 11 below).

7. *Informing the ongoing standard-setting process on violence and harassment against women and men in the world of work.* Work-related violence and harassment is unacceptable and has serious costs for individual well-being, productivity, enterprises and society. In view of (a) possible new ILO standard(s) in this domain, an action guide¹ was prepared in cooperation with ITUC and six Global Union federations across all regions. The guide provides evidence of how trade unions, through collective agreements, workplace policies, campaigns and awareness raising, have taken constructive steps to prevent and protect workers from violence and harassment at work, often challenging institutional and structural forms of discrimination. The guide draws upon 81 case studies in industrialized and emerging economies in a range of sectors, such as hotels, restaurants and retail,² and provides a list of collective agreements in over 20 countries with excerpts of clauses dealing with work-related harassment and violence. The work relating to the preparation and use of the guide is also informing trade unions' position and their active engagement in the abovementioned standard-setting item.
8. *Addressing the statistical gaps.* What is not counted for, is not or is less effectively acted upon. Global and regional estimates of children in employment, child labour and hazardous work, based on datasets from 75 countries, have been produced and released in 2017, estimating that 152 million children are still in child labour. While they point to a slower decline of child labour globally since 2012, there are significant regional differences, with important progress achieved in Asia and the Pacific and stagnation in other regions. Global and regional estimates on forced labour were also produced, estimated at 25 million victims. Drawing on primary data collected in more than 50 countries, estimates are disaggregated by sex and age group and include, for the first time, by economic sectors. The global estimates on child labour and forced labour were presented to the United Nations (UN) General Assembly in September 2017.
9. *Forging partnerships beyond the ILO.* Partnerships with ILO constituents and other key institutions at national, regional and international levels leverage knowledge and resources to strengthen action and catalyse policy influence at all levels with a view to more effective protection of workers from unacceptable forms of work. They also provide a platform for the ILO's constituency to enlarge their outreach and gain support for ILO standards (see section IV).
10. *Forging partnerships within the Office.* Given the cross-cutting nature of this outcome, many units and offices across the Office have been actively engaged in its implementation and have contributed to the achievement of results at both country and global levels. Throughout the biennium, regular consultations were held within and between headquarters and the regions to ensure coordination and respond to the constituents' demands. This coordination has fostered an exchange of knowledge and experience between units at headquarters, the relevant field offices as well as the regions.

III. Highlights of country-level interventions

11. *Working towards breaking the mutually-reinforcing link between discrimination, forced labour, lack of representation rights and abusive working conditions.* In Thailand, the fishing industry is ranked as the fourth major exporter globally, with many national and migrant fishers being particularly vulnerable to deceptive and coercive employment

¹ http://www.ilo.org/actrav/info/pubs/WCMS_546645/lang--en/index.htm.

² ILO: *Conclusions of the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work*, Geneva, 3–6 Oct. 2016 (MEVWM/2016/7, appendix).

practices and facing deplorable working conditions. These include non-payment or delayed payment of wages, 20-hour work days, trafficking and forced labour. Building on the work carried out within the framework of ACI 8 in 2014–15, which culminated in the adoption of the Ministerial Regulation concerning Labour Protection in Sea Fishery Work in 2014, in 2016–17 the ILO is addressing gaps in law and practice, including to facilitate migration through regular channels. Through the EC-funded project on Combating Unacceptable Forms of Work in the Thai Fishing and Seafood Industry, the ILO is strengthening the capacity of government officers, including labour inspectors, to enforce the law. It is also investing in Thai unions to build their capacity to organize workers, including migrant workers.³ More women migrate today for employment, but many do so without adequate information, which exposes them to the risk of exploitative conditions or of being trafficked. Guided by the *General principles and operational guidelines for fair recruitment* (2016),⁴ and in close coordination with outcome 9, the ILO is supporting mobility by choice among women and girls from countries of origin (Bangladesh, India and Nepal) to countries of destination (India, Jordan and Lebanon) in the domestic and garment sectors. Through the United Kingdom’s Department for International Development (DFID) support in South Asia and the Middle East, the ILO reached more than 200,000 women in their communities of origin to help them make informed migration decisions; trained more than 200 recruitment representatives on fair recruitment (India, Lebanon, and Nepal); and organized over 29,000 workers in migrants’ destination areas to access services, provide peer support and join forces for improved working conditions. New legislation to regulate recruitment agents was introduced in India, and advocacy against discriminatory migration bans on women migrants is ongoing in Nepal. Workers were organized in India and Nepal, through the Self Employed Women’s Association (SEWA) in Delhi, Orissa and Bihar, and by GEFONT, a trade union organizing Nepali workers in India.

12. *Preventing and addressing occupational health hazards through strengthened health surveillance systems in the mining and construction sectors.* Respiratory diseases are the top cause of workers’ disability and reduced life expectancy in developing countries. Millions of workers continue to be at risk of pneumoconiosis in sectors such as mining, quarrying and construction with a high proportion of informal and migrant workers. To strengthen national health surveillance systems, and help States in the application of the List of occupational diseases (revised in 2010) annexed to the List of Occupational Diseases Recommendation, 2002 (No. 194), international guidance on the diagnosis of occupational diseases, including respiratory diseases, their prevention, control, recording and reporting at country level, is being finalized. Nationally, physicians were trained in the use of the ILO Classification of Radiographs of Pneumoconiosis in selected regions in Indonesia, Namibia, Philippines, South Africa, Viet Nam and Zimbabwe, to protect workers exposed to dusts in hazardous sectors. In Viet Nam, the use of the ILO Classification has become mandatory (July 2016); in the Philippines, the Department of Health organized, in collaboration with the Department of Labor and with experts from Japan and Thailand, an AIR Pneumo certification examination. In South Africa, the National Institute of Occupational Health is now delivering the training on the ILO Classification and, together with the social partners, adopted a declaration committing themselves to intensify its application in South Africa and other countries of the southern African region. Among the non-fatal occupational injuries and diseases, musculoskeletal disorders represent the biggest cause of economic costs. In collaboration with the All-China Federation of Trade Unions, the ILO *Ergonomic Checkpoints* were used in more than 10,000 enterprises in 20 provinces in China, reaching

³ ILO: *Decent work for migrant fishers*, Report for discussion at the Tripartite Meeting on Issues Relating to Migrant Fishers, Geneva, 18–22 Sept. 2017.

⁴ http://www.ilo.org/global/topics/fair-recruitment/WCMS_536755/lang--en/index.htm.

more than 10 million workers, while the world's largest contract electronics manufacturer plans to extend their use to cover 1.3 million workers in China.

13. *Working with employers' organizations and enterprises for HIV prevention through non-discrimination and occupational safety and health (OSH) measures in high-risk sectors.* As part of the efforts to promote the implementation of the HIV and AIDS Recommendation, 2010 (No. 200), and the sectoral policy on HIV for the *maquiladoras*, the Honduran Association of Maquiladoras has promoted the incorporation of HIV prevention programmes and non-discrimination in the work of affiliated companies, reaching a total of 12,221 workers. With ILO support, it led a campaign against violence and sexual harassment in the workplace and partnered with the Honduran Council of Private Enterprise, the Federation of Chamber of Commerce and Industries, to train 658 human resources managers and company representatives on measures and strategies to prevent discrimination based on multiple grounds. In Guatemala, the ILO partnered with Funcafé, the social arm of the National Coffee Association, and the national AIDS Programme to improve knowledge of seasonal migrant workers about their rights and their access to HIV testing, treatment and prevention during the coffee-cutting season. Funcafé established 16 community health centres in high prevalence coffee-producing areas, which, in coordination with the Ministry of Health, provide health services to pregnant women workers. Awareness-raising campaigns, targeting male coffee workers and men living in rural areas, also reached 3,683 migrant and national indigenous workers.
14. *Addressing discrimination based on health status through improved compliance.* Ukraine is one of the few countries in Europe and Central Asia where the HIV epidemic is still increasing despite ongoing efforts to curb it. Building on past work in the transport and health sectors, labour inspectors reported 3,000 occurrences of advisory services to management and workers on HIV and AIDS matters during their routine enterprise inspections in targeted regions. The ILO also trained health-care workers on improving the quality of services to people living with HIV and on preventing their own exposure to and transmission of the disease, through appropriate OSH measures.
15. *Combating discrimination against women through organization and representation, greater safety and health, and better working conditions.* In the Plurinational State of Bolivia, growing numbers of indigenous women with little education are entering the construction sector, a male-dominated sector, because of the promise of higher earnings. However, they often end up working without remuneration and, when paid, they make 20 per cent less than their male peers; they are also subject to sexual harassment. As part of the ILO's assistance to the Plurinational State of Bolivia to implement the Safety and Health in Construction Convention, 1988 (No. 167), the ILO has been working with trade unions, employers' organizations and the local government in El Alto de la Paz to tackle discrimination in pay and prevent violent behaviour against indigenous women construction workers, through awareness raising targeting male construction workers; public procurement policies that penalize such practices; vocational training for women constructors, including in respect of OSH; and services by workers' and employers' organizations.
16. *Bargain collectively for better working conditions and fairer salaries in education.* In Jordan, following the CEACR's repeated comments on the Equal Remuneration Convention, 1951 (No. 100), the ILO assisted the National Committee for Pay Equity to address wage discrimination and other barriers that prevent women from entering and remaining in the labour force, by focusing on the private education sector, a female-dominated sector characterized by low earnings. As a result, a Collective Bargaining Agreement for the Private Education Sector was signed in March 2017 by the General Trade Union and the Private Schools Owners' Association. It applies to 37,000 teachers in the private sector, mandates a unified contract and makes enrolment in social security compulsory for all workers. It also establishes, in addition to the national minimum wage, a teaching allowance, an annual 5 per

cent wage increase, and access to childcare facilities. An ILO video and an awareness-raising package explaining the advantages of the Collective Agreement are disseminated to help its effective implementation.

17. *Tackling child labour in cotton production.* Since 2016, drawing upon Brazil's relevant experiences and expertise and through South–South cooperation, the ILO has been promoting decent work in cotton production in Mali, Mozambique, Paraguay, Peru and the United Republic of Tanzania as the most effective means to prevent child labour. Assessments, mapping cotton production and identifying the corresponding decent work gaps, have been carried out in all countries. National plans, informed by these assessments, have been developed together with governments, workers' and employers' organizations in each target country. Cross-fertilization across countries and regions and concerned stakeholders at national and international levels is facilitated through the International Training Centre of the ILO in Turin.
18. *Addressing child labour in countries with large numbers of refugees.* Following the Syrian refugee crisis, child labour in Jordan and Lebanon has experienced a rise after years of steady improvements. To counter the rise of the worst forms of child labour and work towards their elimination, the ILO partnered with the United Nations High Commissioner for Refugees, the United Nations Children's Fund and a non-governmental organization (No Lost Generation) to develop a strategic framework in Jordan that guides relevant efforts of UN agencies and their partners. A referral mechanism included in the National Framework to Combat Child Labour is being tested to assess the child labourers' education and social situation, refer them to relevant service provision and monitor follow-up. In Lebanon, the national stakeholders approved the extended National Action Plan against Child Labour 2016–20, which includes an addendum specifically addressing the child labour challenges resulting from the Syria refugee crisis.

IV. Partnerships and international cooperation

19. Recognizing that eliminating discrimination in pay based on gender is central to reducing poverty, achieving gender equality and women's economic empowerment, and that progress has been too slow everywhere, the Equal Pay International Coalition (EPIC), a strategic multi-stakeholder partnership, led by the ILO, the United Nations Entity for Gender Equality and the Empowerment of Women, and the Organisation for Economic Co-operation and Development, was launched during the UN General Assembly in September 2017. EPIC endeavours to galvanize national and international action in order to achieve the ambitious target 8.5 of equal pay for work of equal value by 2030 through advocacy; knowledge sharing; peer-to-peer exchanges; capacity building; technical advisory services; data analysis; and monitoring. Convention No. 100 is a touchstone for the work of the Coalition.
20. Launched during the UN General Assembly in September 2016, Alliance 8.7 is a multi-stakeholder platform, led by the ILO, which seeks to end child labour in all its forms by 2025, and forced labour, modern slavery and human trafficking by 2030. On 14–16 November 2017, Argentina will host the IV Global Conference on the Sustained Eradication of Child Labour, which will help lay the foundations for further concerted action in view of the slow decline of child labour globally and the worrying setbacks in some parts of the world. Following a decision of the Governing Body, the scope of the Conference was enlarged to encompass the forced labour of adults in addition to all forms of child labour.

V. Relation with the flagship programmes

21. IPEC+ promotes a holistic and complementary approach to combatting child labour and forced labour through a four-pronged theory of change which covers: improved public policy and governance; stronger empowerment and protection; better knowledge and data, with a strong focus on innovative methodologies to measure progress; and partnerships and advocacy. The Programme targets 29 countries⁵ selected according to six criteria: (a) strategic importance, as determined by the CEACR; (b) integration with ILO work towards One ILO; (c) existence of a Decent Work Country Programme; (d) quick impact; (e) ongoing work in the two policy areas; and (f) at least three Least Developed Countries per region.
22. The Occupational Safety and Health Global Action for Prevention Programme (OSH GAP) seeks to foster a global culture of prevention, while achieving real reductions in the incidence of work-related fatal and non-fatal injuries and illnesses. The OSH GAP Programme focuses on small- and medium-sized enterprises, whether formal or informal, in the construction and agriculture sectors, which exhibit persistent and significant safety and health hazards, and is initially targeting young workers aged 15–24 who suffer work-related injury at a much higher rate than older workers.

VI. Conclusions, lessons and way forward

23. Taking the fundamental principles and rights at work as entry points, this outcome has shown the merit of working simultaneously on improving both the realization of fundamental principles and rights at work, and the material and working conditions of workers facing unacceptable forms of work situations. Addressing high-risk sectors and categories of workers first permits more focused and better-tailored policy responses to be devised and implemented and brings together the right actors. By addressing the mutually reinforcing, structural barriers faced by women, especially those at the bottom of the social pyramid, outcome 8 contributes to the Women at Work Initiative’s search for innovative approaches to resolve stubborn problems. It has the potential of generating important dividends where the ILO can be seen to be making a difference when it comes to “leaving no-one behind”.
24. The strong drive of this outcome to give practical effect to relevant international labour standards helps strengthen the credibility and impact of the ILO’s normative function vis-à-vis its constituency and beyond, especially in the context of multi-stakeholder partnerships. An explicit goal of several country-level actions has been to support member States in addressing the concerns expressed by the ILO supervisory bodies regarding the application of specific Conventions. When concerns stem from the conflation of multiple and deeply-rooted problems, regular monitoring and long-term support are required to create a virtuous cycle between the supervisory bodies’ concerns, ILO’s technical assistance and national follow-up. Synergies have been established with outcome 2 to ensure complementarity in the support provided at the country level to address the comments of the supervisory bodies.
25. Bringing about sustained changes to the material conditions that generate unacceptable forms of work depends also on the empowerment, through targeted government interventions as well as a bottom-up approach that involves the organization of workers, of

⁵ Argentina, Brazil, Côte d’Ivoire, Democratic Republic of the Congo, Ghana, Guatemala, Haiti, Indonesia, Jordan, Kenya, Kyrgyzstan, Lebanon, Malawi, Mauritania, Myanmar, Nepal, Niger, Pakistan, Peru, Philippines, Syria, Thailand, Tunisia, Turkey, Turkmenistan, Uganda, Uzbekistan, Viet Nam, Zambia (http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/WCMS_495567/lang--en/index.htm).

the workers who are trapped in, or susceptible to, fall into unacceptable forms of work situations, and who often face serious discrimination. In delivering the work above, the Office has learned how challenging organizing these workers can be and highlighted the need for innovative organization strategies. In any event, the empowerment and independence of the social partners and effective social dialogue are key to break the chains and to combat unacceptable forms of work.

26. The Governing Body in November 2016 and the International Labour Conference, through its resolution concerning the second recurrent discussion on fundamental principles and rights at work adopted in June 2017, called upon the ILO to pursue an integrated strategy on fundamental principles and rights at work. Efforts have been made to pursue such a strategy, as shown in this paper, but there is room for further improvements, including in relation to the balance among the principles.

Draft decision

- 27. The Governing Body requests the Director-General to take account of its guidance in implementing the strategy for outcome 8 of the Programme and Budget for the biennium 2018–19 on protecting workers from unacceptable forms of work.***